

*Rules of the Faculty Council, 1968,
As amended through August 1970,
September 28, 1972,
December 20, 1984,
November 16, 2006,
February 15, 2007,
February 21, 2008
September 1, 2009
May 5, 2011
October 13, 2011
May 3, 2012
May 2, 2013
December 12, 2013
March 13, 2014
December 11, 2014
February 28, 2019
September 26, 2019
December 12, 2019*

RULES OF PROCEDURE
TENURED/TENURE TRACK FACULTY SENATORS COUNCIL
NEW YORK UNIVERSITY

I. Composition

1. Representation.

- (a) Number. The Tenured/Tenure Track Faculty Senators Council will consist of not more than thirty-eight members of the Tenured/Tenure Track Faculty elected by the voting members of the several faculties of the University in the manner prescribed by the rules adopted by the Council for its own governance and consistent with these Rules of Procedure.
- (b) Distribution. The thirty-eight elected representatives will be selected as follows: one from the Division of the Libraries of the University; six from the School of Medicine; and thirty-one apportioned among the colleges, schools, and the Abu Dhabi and Shanghai portal campuses by the method of equal proportions with the proviso that each college and school and each of the two portal campuses will be entitled to at least one elected Senator. Each year, the University Secretary and General Counsel will provide to the Tenured/Tenure Track Faculty Senators Council and the dean of each college and school and the vice chancellor of each of the two portal campuses the number of faculty members assigned to each for the purpose of Senate elections and will at the same time state the number of Tenured/Tenure Track Faculty Senator Council Senators to which each is entitled.

- c) Eligibility. A Tenured/Tenure Track Faculty Senators Council Senator whose term has expired will be eligible for reelection. For purposes of the election, any Tenured/Tenure Track Faculty member who is a member of more than one faculty will be assigned by the President and Chancellor to one faculty only, and any Tenured/Tenure Track Faculty member, otherwise eligible to vote, who is not formally attached to a faculty will be assigned by the President and Chancellor to one of the faculties of the University. Any Tenured/Tenure Track Faculty member who holds an administrative office and whose administrative responsibilities encompass a college, school, portal campus, the Division of the Libraries, or the University will not be eligible for election to the Tenured/Tenure Track Faculty Senators Council. Final determination of eligibility for membership rests with the extant Tenured/Tenure Track Faculty Senators Council.
- d) Time of Elections. In order to best assure the effective operation of the Council, all elections for members of the Tenured/Tenure Track Faculty Senators Council should be held prior to the University Commencement in May. The name of each representative to the Senate should be transmitted to the Secretary of the Senate within five days of the University Commencement in May.

2. Term of Office.

- a) Each representative shall serve for a term of three years, from September 1 of the first year until August 31 of the third year, inclusive.
- b) The membership of the Tenured/Tenure Track Faculty Senators Council shall be divided into three groups, serving in staggered three-year terms, in order to provide continuity. In no event shall the terms of a single faculty end in the same year, except when a school has only one Senator. One third of the representatives shall be chosen each year.
- c) The term of office of one class shall expire August 31 each year, and the names of the new representatives shall be presented and their offices confirmed at the first meeting of each academic year.

3. Nomination and Election of Faculty Senators: Best Practices.

- (a) Nominations may be made and elections may be held in any manner adopted by the tenured and tenure-track professorial members of the faculty of each school, provided that there is reasonable opportunity for the presentation of at least three nominees for each Senatorial position (whenever possible), that reasonable notice of the nominations and the election is given to the members of the faculty, and that the nominating and electoral process is conducted by secret ballot, by the faculty free from interference by School or University administrators. These administrators include but are not limited to those represented on the Deans Council and Administrative Management Council, and officers of the University as described in the NYU Bylaws.
- (b) Alternatively, if the voting professorial members of the faculty of any School fail to adopt nominating and electoral procedures as provided in subsection (a), the nomination and election of Senators shall be conducted in the following manner. The School's faculty shall appoint a nominating committee to present at least three names for each Senatorial

position, whenever applicable, to the voting professorial members of their faculty by mail at least one week before an election. The notice calling the meeting at which an election is to take place shall specify that the election is among the purposes of the meeting. At such a meeting, nominations may be made from the floor. The meeting shall be held before university commencement in May of the final year of the three-year term of the representative(s) then in office. This entire process shall be conducted by secret ballot, and by the faculty free from interference by School or University administrators, as specified above.

- (c) Each school's procedures shall be published on the T-FSC website so that members of each school can know and monitor them. Whenever applicable, these should include who solicits nominations, when and how; how nominees are validated as eligible; whether biographies of nominees are provided; who conducts the election and counts the votes, including when and how; and who reports results to the Manager of Faculty Governance.
- (d) On a considered belief that either a School has failed to adhere to the procedures adopted by its voting professorial members as provided in subsection (a) or, if no procedures were adopted, a School has failed to adhere to the procedures as described in subsection (b), a detailed written complaint, signed by no fewer than three voting professorial members or 50% (whichever is smaller) of the respective School, may be filed with the Manager of Faculty Governance. Such complaint will be investigated by the Governance Committee in consultation with the Executive Committee. The full Tenured/Tenure Track Faculty Senators Council will determine an appropriate remedy, which may include the requirement of a new election. In no event, however, will any Senator elected under procedures challenged herein be unseated during the pendency of the complaint and the seating of a replacement Senator, should that prove necessary. Until the challenge is settled, the replacement Senator shall not be seated.

4. Alternates and Vacancies.

- (a) Each faculty shall elect an alternate representative for each Senator who shall serve if the elected representative is unable to attend a meeting of the Tenured/Tenure Track Faculty Senators Council. If it is known that a representative shall be unable to serve for three consecutive months during one academic year, the nominating committee authorized to present names for election shall decide whether the alternate shall serve as a replacement for the period of such absence, or for the remainder of the unexpired term, or only until the vacancy can be filled at the next regular election of members.
- (b) In cases where an alternate is representing or replacing a Senator, he/she shall have full voting privileges.
- (c) Alternate Senators are encouraged to attend occasional meetings of the Tenured/Tenure Track Faculty Senators Council in a non-voting capacity and to attend occasional Senate meetings as guests of their Senators in order to acquaint themselves with the operation of these bodies.
- (d) If they have particular interest or expertise, alternate Senators may be asked to serve on committees, with the right to vote on committee matters should that be required. However,

alternates should generally not be asked to serve as committee chairs unless they are in an extended period of active service (see 4 a and b).

- (e) A faculty failing to elect a representative to fill a vacancy shall be without such representative until one is elected in accordance with these rules.

5. Council Meeting Guests.

- (a) The Tenured/Tenure Track Faculty Senators Council (specifically Senators and Council Committee Chairs in consultation with the Executive Committee and/or the Executive Committee) will be able to invite guests on occasion to address the Council. These guests are restricted to be individual(s) who can speak to specific issues deemed important for the Council to consider.

II. Officers

1. Executive Committee. The officers of the Tenured/Tenure Track Faculty Senators Council shall consist of a Chair, Vice Chair, Secretary, Past Chair, and the Chair-elect, which together shall comprise the Executive Committee.

- (a) The Chair shall preside at all meetings of the Tenured/Tenure Track Faculty Senators Council. In the absence of the Chair, the Vice Chair shall preside at the meeting. In absence of both the Chair and the Vice Chair, the Secretary shall preside.

- (b) All meetings of the Tenured/Tenure Track Faculty Senators Council are conducted in accordance with Robert's Rules of Order.

- (c) The Secretary shall bear the ultimate responsibility for the minutes.

2. Nominations.

- (a) Nominating Committee: The Executive Committee shall appoint a Nominating Committee at the start of the fall semester to consist of 3 members of the Council in the second year of their first terms or the first or second year of any successive terms.

- (b) The Nominating Committee for the election of the Chair and the election of Vice Chair and Secretary shall also include, as an ex-officio non-voting member, the current Chair of the Council. The Nominating Committee for the election of the Vice Chair and Secretary shall also include, as an ex-officio voting member, the Chair-elect.

- (c) The Nominating Committee should make every effort to prepare a list of at least two candidates for the position of Chair-elect. The list of candidates will be announced in the notice prior to the November meeting.

- (d) The Nominating Committee should make every effort to prepare a list of at least two candidates for the positions of Vice Chair and Secretary. The list of candidates will be announced in the notice prior to the February meeting.
- (e) T-FSC members (Senators) in any year of their term are eligible for election to the position of Chair, Vice Chair, or Secretary. If the Chair-elect or Vice Chair-elect or Secretary-elect is in final year of his/her Senatorial term, then his/her term will automatically be extended by one year and the school election normally scheduled for that Senator's seat will be postponed for one year. In no event, however, may a Senator's term be extended by more than two years under this provision.
- (f) No person may serve as Chair for more than two academic years without interruption. There is no lifetime limit.

3. Elections.

- (a) The Chair-elect shall be elected by secret ballot at the December meeting and will sit with the Executive Committee thereafter.
- (b) The Vice Chair and the Secretary shall be elected by secret ballot at the March meeting.
- (c) Absentee ballots are permitted for T-FSC members (senators or active alternates only) in good standing.
- (d) For each of these elections, members of the Nominating Committee shall act as Tellers. Election results will be announced at the end of the meeting when the election took place. The vote tally will not be made public.
- (e) Nominations from the floor, duly seconded, shall be permitted after the list of candidates has been announced

4. Terms of Service.

- (a) The Chair-elect, Vice Chair-elect, and Secretary-elect will assume their offices following the May meeting of the Council and serve until the following May.
- (b) To ensure continuity, the Past Chair, Past Vice Chair, and Past Secretary will continue to serve on the Executive Committee without voting privileges for one year, even if they have completed their elected terms of office as Faculty Senators.

III. Meetings

1. Regular meetings.

(a) The Tenured/Tenure Track Faculty Senators Council will meet at least twice a year at the call and under the chairpersonship of the President and Chancellor and the Provost, and as many other times under its own chairperson as it may choose. It may meet from time to time with the Executive Committee of the Board.

(b) The Tenured/Tenure Track Faculty Senators Council shall meet at least six times a year at the call of its own chairperson, including at least twice a year with the President. At the first meeting of the Council under its own Chair in the new academic year the new representative shall be introduced.

(c) A calendar of meetings shall be sent to the members of the Tenured/Tenure Track Faculty Senators Council at the beginning of each academic year.

(d) Reminders of regular meetings of the Tenured/Tenure Track Faculty Senators Council shall be sent to the members one week before each meeting.

(e) Materials pertinent to the meeting will be provided in advance, in so far as possible.

(f) The text of all substantive motions to be considered at a regular meeting of the Tenured/Tenure Track Faculty Senators Council must be submitted to the Manager of Faculty Governance by Monday 10:00 am of the week of the regular T-FSC meeting. The agenda, text of motions, and supporting materials shall be distributed to the members by Tuesday, mid-day before regular T-FSC meetings. A motion from the floor is possible but, without this prior notice and documentation, the vote will normally take place at the next T-FSC meeting following the debate and in exceptional cases by e-mail no less than one week after the debate.

2. Special meetings. Special meeting of the Tenured/Tenure Track Faculty Senators Council may be held on three days' notice, if called by the Executive Committee or if five or more members, in consultation with the Executive Committee, request it.

3. Other Meetings.

(a) The agenda for a meeting with the President or with the Provost or Chancellor or with a Committee of the Board of Trustees shall be prepared in consultation with the Chair of the Tenured/Tenure Track Faculty Senators Council.

4. Quorum. At least one half of the voting members of the Tenured/Tenure Track Faculty Senators Council plus one shall be present at a meeting to constitute a quorum.

5. Voting. A member of the Tenured/Tenure Track Faculty Senators Council or his alternate representative present at a meeting shall be entitled to one vote. There shall be no voting by proxy.

6. Order of Business. The usual order of business shall be as follows:

(a) Consideration of the minutes

(b) Report of the Chair

(c) Reports of Committees

1. Tenured/Tenure Track Faculty Senators Council Committees

2. University Senate Committees

3. Special Committees

- (d) Old business
- (e) New business
- (f) Adjournment

IV. Committees of the Tenured/Tenure Track Faculty Senators Council

1. Standing Committees.

- (a) Executive Committee: oversees and organizes all Council activities; appoints the chairs of the other committees and appoints the committee members; reviews all communications of the Tenured/Tenure Track Faculty Senators Council; meets with the Provost, Vice Provosts, and the President on behalf of the Council, presenting the concerns of the Council and reporting to the Council on substantive matters discussed.
- (b) Administration & Technology: examines administrative issues which affect faculty, including technology-related issues such as technology-enhanced education.
- (c) Educational Policies & Faculty/Student Relations: acts as the T-Faculty Senators Council counterpart to the Academic Affairs Committee of the University Senate; interacts with the Center for the Advancement of Teaching; proposes, develops, and implements new programs to enhance faculty participation in campus and student life.
- (d) Faculty Benefits & Housing: reviews and makes recommendations with regard to faculty benefits; discusses issues related to housing for faculty; monitors University policies and practices that affect faculty in University housing.
- (e) Finance and Policy Planning: studies faculty salaries, working conditions, negotiation processes; examines long-range issues; addresses other relevant financial matters.
- (f) Global Network University: analyzes academic issues regarding portal campuses and the implementation of the Global Network University.
- (g) Governance: monitors University-wide governance and the governance process in the several schools; considers the impact of policies that affect faculty governance; conducts regular periodic reviews of the NYU Faculty Handbook.
- (h) Grievance: hears faculty appeals from a dean's decision on appointment, reappointment, promotion, or tenure; ascertains compliance with school grievance procedural safeguards; makes recommendations to the President.
- (i) Inclusion, Equity, & Diversity: collects, reviews, and disseminates institutional data as it relates to the representation and academic standing of underrepresented groups of faculty and students; serves as a liaison between the T-Faculty Senators Council and the Office of Equal Opportunity and the Office of Global Inclusion, Diversity, and Strategic Innovation on policies and procedures that affect matters related to inclusion, equity, and diversity; develops proposals for programs to further advance the university's mission in these areas.
- (j) Nominating Committee: calls for nominations and prepares a list of at least two candidates for the position of Chair-elect, Vice Chairperson, and Secretary. The list of candidates will be announced in the meeting notice one month prior to the election.
- (k) Personnel Policies & Tenure Modifications: reviews University personnel policies and practices, including inclusion, equity & diversity, which affect the faculty; considers any

proposals affecting tenure; examines problems experienced under tenure rules and considers alternative solutions.

2. Ad Hoc Committees. The Executive Committee of the Tenured/Tenure Track Faculty Senators Council shall have the power to appoint other committees, as it may deem necessary, to aid it in carrying out its responsibilities. Such committees shall report to the Tenured/Tenure Track Faculty Senators Council.
3. Membership of Committees. The Executive Committee of the Tenured/Tenure Track Faculty Senators Council shall have the power to appoint to its committees such faculty members as it may deem useful to the accomplishment of the work of its committees to serve ex-officio as advisors or consultants.

V. Reports

1. Receiving Reports. The Tenured/Tenure Track Faculty Senators Council shall from time to time receive reports from its representatives on the committees or boards of other bodies.
2. Reporting as Council and as Committee. The Tenured/Tenure Track Faculty Senators Council shall make regular reports to the members of the faculties of the University of its deliberations and recommendations, both in its character as a Council and in its character as the Faculty Personnel Committee of the Senate with respect to the Tenured/Tenure Track Faculty. These may include, but not be limited to, information posted on the Tenured/Tenure Track Faculty Senators Council website and presented at Faculty Forums sponsored by the Tenured/Tenure Track Faculty Senators Council.
3. Reporting as Senators. Senators are expected to make periodic reports to their own faculties regarding the deliberations of the Council and its Committees.

Appendix A

There are 5 basic features of shared governance:

1. Representation

WHEREAS: Shared governance means that input from the faculties' duly elected representatives (T-FSC) is central to the process of "consulting with faculty",

IT IS RESOLVED: That the Tenured/Tenure Track Faculty Senators Council will have representatives, selected by the T-FSC, on University Committees, Taskforces, or other like bodies dealing with all matters that affect faculty and university policy.

2. Information

BACKGROUND: The Tenured/Tenure Track Faculty Senators Council functions as the personnel committee for the faculty. As such, it is obligated to represent the faculty's interest in dealing with the administration, and to ensure that the faculty is informed on issues that pertain to them and impact their well-being. It has been common practice by the administration to impose a rule requiring confidentiality with respect to deliberations on certain topics, such as, but not limited to, benefits. This practice is referred to as "deliberative privilege".

WHEREAS: This practice prevents the faculty from obtaining timely knowledge concerning issues that affect them, and

WHEREAS: This practice prevents the administration from obtaining valuable feedback from the T-FSC, and when appropriate, from the entire faculty,

IT IS RESOLVED: That the Tenured/Tenure Track Faculty Senators Council does not support the practice of a code of confidentiality, also known as "deliberative privilege", except in cases concerning information specific to individuals, whose privacy rights transcend the need for transparency, and cases involving university negotiating positions with external financial entities.

3. Consultation

WHEREAS: Consultation is a means to obviate potential crises of confidence that can occur when a decision-making group within an organization unilaterally imposes its decisions on the organization, and

WHEREAS: The quality and effectiveness of academic policy making depends on consultation between informed faculty representatives and the other principals in the University's decision-making process, and

WHEREAS: Shared governance means seeking and evaluating faculty input before decisions that affect faculty are made and adequately responding to faculty input,

IT IS RESOLVED: That when a decision is not pressing, a reasonable length of time for consultation must be provided. During semesters, this means at least a few weeks in order for at least one T-FSC meeting to occur. For decisions that must occur during the summer, when T-FSC is not in session, the T-FSC will

establish, before its last meeting of the spring semester, an internal structure for timely consultation and input to administration decisions that affect the faculty.

4. Reasoned Justifications

WHEREAS: Accountability is an important element of the consultation process,

IT IS RESOLVED: That when T-FSC advice is not taken, the Administration will provide, in writing, its reasons for not accepting the T-FSC's advice developed through the process of consultation.

5. Communications

WHEREAS: Access to information is fundamental to policymaking,

IT IS RESOLVED: That T-FSC Senators will circulate, through their Schools and departments, the agreement T-FSC worked out with the Administration (see Memo from Provost McLaughlin, 3/3/2011), which allows Senators access to email addresses of all faculty for the purpose of communicating with the faculty (their constituents).

IT IS RESOLVED: That T-FSC Senators are obligated to keep their respective faculty informed on an ongoing basis.

Appendix B

Addendum to the Resolution on Nomination and Election of Faculty Senators (I.3.)

School election officers and University and School administrators—including but not limited to those represented on the Deans Council and Administrative Management Council, and officers of the University as described in the NYU Bylaws—should avoid any appearance of impropriety or conflict of interest during elections for Senators to serve on the Tenured/Tenure Track Faculty Senators Council. For this reason, it is preferable that members of School election committees, University and School administrators, or any other person charged with carrying out and/or monitoring elections should refrain altogether from publicly campaigning on behalf of any candidates vying for election to the Tenured/Tenure Track Faculty Senators Council. This includes, but is not limited to offering public statements on a candidate's behalf; using any form of print or electronic media to circulate statements on a candidate's behalf. Further, no member of School election committees may utilize, or provide candidates or persons advocating on behalf of candidates, exclusive access to faculty contact information.