



MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF OCTOBER 18, 2018

The New York University Continuing C-faculty Senators Council (C-FSC) met at 9:00 AM on Thursday, October 18, 2018 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Carter, Davis, Ferguson, Gershman, Howard-Spink, Illingworth, Jahangiri, Joachim, Killilea, Kim, Lee, Liston, Mitnick, Patterson, Renzi, Slater, Watkins, White, and Youngerman; Alternate Senators Hersh, Kleinert (for Saravanos), Lim, Mandracchia, Sahin, Shullenberger, Talib (for De Bartolo), Tourin, and Zhang (for Wang).

APPROVAL OF THE AGENDA

Upon a motion duly made and seconded, the meeting agenda was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING HELD SEPTEMBER 20, 2018

A Senator suggested including a statement that the C-FSC has access to the email addresses of all continuing contract and tenured/tenure track faculty. Upon a motion duly made and seconded, the minutes of the September 20, 2018 meeting were approved unanimously as amended.

REPORT FROM THE CHAIRPERSON: MARY KILLILEA

See attached Document A.

A Senator inquired on the resolution passed by the Board of Trustees concerning suspension of Bylaw 81(c) to allow a faculty member to enroll in a doctoral program at NYU. He noted a copy of the resolution was not included in the packet. Chairperson Killilea responded the wording of the resolution is confidential because it pertains to an individual faculty member.

The Chair's Report was accepted into the minutes.

SPECIAL PRESENTATION BY STUDENT SENATORS COUNCIL

Resolution on University-wide Request for Information

See attached Document B.

Rose Asaf and Bayan Abubakr presented on the Student Senators Council (SSC) resolution. Asaf noted the resolution came after the Board of Trustees rejected the resolution to allow students to serve on the Board. This is another avenue to help the University become more transparent and lead the way in transparency among private universities.

The resolution is inspired by the fact that public universities have access to the Freedom of Information Act. She stated currently there are no private universities with the same mechanism for obtaining information.

The resolution notes that federal law 20 US code 1011F requires public and private colleges or universities to disclose information to the Department of Education about their relationship with certain “foreign sources,” which includes foreign governments, businesses and individuals, or agents of any of the above.

She explained currently at the state universities of New York, there are 64 offices that deal particularly with these information requests. The SSC is currently in conversation with these offices to learn how many requests they receive per year, what the breakdown is per student, and what the fiscal motives are.

She added the SSC met with the Administrative Management Council (AMC), who responded with helpful feedback.

The SSC proposes that a committee be formed, comprised of two representatives from each council of the University Senate, a representative from NYU’s Office Accounting and Reporting, Office of Institutional Research and Data Integrity, and other relevant university actors as determined by the Committee members. The Committee will be charged with investigating and developing a mechanism for university actors, meaning students, alumni, faculty, staff, and administrators, to access information.

Asaf stated once they receive information on the number of requests being made by the state universities of New York, they will send this information to the Councils.

A Senator questioned if this resolution would be approved, given the previous request to the Board was denied and that private universities do not have to disclose all financial records. She also asked what is of particular issue to the students.

Asaf noted the resolution does allow considerable room for redactions of information. She explained there is a general frustration with transparency and accountability.

A Senator suggested if students instead asked the University for specific information, they might have a better ability to receive that information than a general request for all information.

Abubakr stated the resolution asks for a platform by which university members could request information.

A Senator asked how they would address the potential competitive disadvantage among private universities if NYU was the only private universities disclosing this type of information.

Asaf noted the generous exemptions allowed in this resolution would enable NYU to redact information that might put the University at a disadvantage. She commented in an era lacking transparency this proposal could place NYU as a leader in transparency.

A Senator asked how they defined “alumni” in the list of constituents that may request information. Asaf clarified the Committee would address definitions such as this, but in general the SSC proposed anyone with access to NYU Home would be able to request information.

A Senator asked if the SSC examined the legal boundaries of requesting information from all global site. Asaf noted the SSC is aware the laws of other countries might prevent information from being shared.

A Senator asked how many administrative hours would be needed to process these requests. A Senator asked about enforcement, since as a private university NYU would have no requirement by law to disclose information.

Abubakr reiterated the Committee would discuss and make proposals on the process and oversight mechanisms.

A Senator suggested if the resolution is not accepted, to develop a set of specific requests for information and bring to the administration.

DISCUSSION ABOUT FULL TIME CONTINUING C-FACULTY UNIONIZATION

A continuing contract faculty (c-faculty) member presented on the efforts to explore the idea of unionization of c-faculty. She stated for the past two years, a group of faculty have been pursuing grassroots outreach to faculty across NYU to learn about conditions in different schools and departments. She noted these conversations have been private in order to protecting the anonymity of faculty.

She stated they have done outreach at every school at NYU except the medical, dental, and law school. She noted these schools are not included in the current adjunct faculty, graduate student, or postdoc union contracts.

She added they will not take their campaign public until they have strong networks in every school. They wish to ensure all c-faculty are informed of the campaign and have the opportunity to guide decision-making and strategy.

She stated the conversations reveal many c-faculty face substantial obstacles as they attempt to build satisfying careers at NYU. She noted the shared concerns across schools and departments include salary compression, job security, and concerns on benefits. Collective bargaining is one way to offer c-faculty more leverage to negotiate for and improve working conditions.

The presenter stated a union contract would not seek to eliminate distinctions between faculty or to regulate every aspect of working lives. She noted the collective bargaining agreements for c-faculty unions in private universities typically focus on establishing salary minimums, scheduling annual increases, securing benefits, strengthening job protection, and, in cases, securing professional development funding for sabbaticals.

She noted in the past three years, Tufts, Barnard, Boston University, and Fordham have all negotiated strong first contracts. USC recently announced that their c-faculty are seeking to unionize.

She reported, as stated in last week's AAUP report, 73% of faculty at U.S. universities are now non-tenure track.

The presenter detailed the next steps and process. She stated the group is currently talking to faculty members in different schools and departments to gain a better understanding of common interests and shared concerns. The first step once the campaign is made public will be to collect signatures to petition the National Labor Relations Board (NLRB) to schedule a c-faculty vote on unionization. Those signatures are confidential. Legally, one-third of all c-faculty need to sign in order to move forward.

Once a petition is submitted, the NLRB will schedule a c-faculty vote on unionization. If the vote is in favor of a union, the next step is to elect a bargaining committee from among the c-faculty. This elected committee will work together to study this situation, coordinate negotiations, and communicate the process.

The presenter noted they will survey NYU c-faculty and also study salary data and other relevant information from peer institutions to draft a list of terms for negotiation. These terms will need to be ratified by a majority of c-faculty. She commented this is one of several checks built into the process to ensure that there is work toward meaningful gains for all and that not the interests of one group ahead of another. Once terms are ratified, the bargaining committee, supported by the union, will work out a contract with the NYU administration. That contract is not legally binding until it is ratified by a majority vote of c-faculty.

A Senator commented c-faculty now have salary minimums and the same benefits as tenured/tenure track faculty. He asked what this group is specifically looking for in having a union.

The presenter responded there is an interest in securing benefits. She noted generally c-faculty are satisfied with medical and retirement benefits, but there have been concerns on changes to the tuition remission policy. In addition, there are concerns on the Annual Merit Increase (AMI) not keeping pace with cost of living, the distribution of AMI, increased workloads, job security, and transparency regarding reappointment and promotion. She offered the example of the abrupt reorganization of the School Professional Studies in the spring of 2017.

A Senator commented the work of the Tuition Remission Committee, which C-FSC members serve, and C-FSC Benefits Committee has been very effective in achieving goals without a union. He also noted C-faculty receive the same AMI as tenured/tenure-track faculty.

A Senator expressed concern on the UAW's capacity to take into account the differences in the unique learning environments at different schools and departments.

She reported they are gathering information from faculty across schools to understand the differences in teaching schedules, etc. They would not want to advance a contract that worked in one school but not another. They are also learning from the bargaining processes for the adjuncts and graduate students.

Senators asked if all schools, except medical, dental, and law school, would be involved in the vote or only those schools that submitted at least one-third of signatures.

The presenter responded if it was decided the bargaining unit was all schools at NYU, except the medical, dental, and law school, then it would be the total number of c-faculty that determines the success of a vote, not individual schools.

A Senator stated the Council believes it is a strong platform and voice within the University and has reached many goals through dialogue with the administration. She asked if unionization would remove this platform.

The presenter noted they want full participation and representation in faculty governance and she thinks it is vital that this body continues as well as the various faculty assemblies that NYU c-faculty serve as representatives.

She stated other faculty union contracts include specific provisions that guarantee the right to participation and representation in faculty governance. The Senator expressed concern the University would not agree to this.

A Senator asked about union eligibility for c-faculty who chair departments or serve in other managerial roles. The presenter responded she believes that these faculty members would not be covered by the union contract during the time they hold a managerial position, but needs to confirm.

The presenter noted the contracts negotiated by Tufts, Barnard, BU, etc. are available online. She can also distribute to the Council.

A Senator raised concerns regarding the lack of strength in collective bargaining if not all schools are involved, including the medical school, dental school, and law school. The C-FSC has representatives from all schools, including these three, and she believes it is what makes this body so strong. She commented, for example, if the only collective bargaining unit is Faculty of Arts and Science (FAS) faculty, it would not secure meaningful change for c-faculty.

The presenter reported before the union goes public, it strives to have widespread support across divisions.

It was suggested the grievance committee examine the identified major concerns of faculty and address these issues through the grievance policies and practices.

PRESENTATION, DISCUSSION, AND VOTE

Recommendations of the T-FSC and the C-FSC in regard to: Meyers Policies and Procedures for Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty

See attached Document C.

Senator White presented on the joint recommendations.

A Senator raised concerns over the time limit for committee deliberations, which is not stipulated in the policy. It was noted this would be a change to the Faculty Handbook.

A Senator suggested the Council be more involved in the development of these policies at the school level. White stated the Committee ensures the faculty at the school have reviewed the policy and the proper process at the school level was followed. In addition a representative from the school assists the Committee in the review of the policy.

The recommendations were passed by vote of the Council. They will be sent to the T-FSC for their vote and if approved, will be sent as joint recommendations to the Provost.

Amendments to Twenty-One Principles regarding School Policies for Appointment, Reappointment, and Promotion for Full-Time Continuing Contract Faculty

See attached Document D.

Senator White presented the amendments to the Twenty-One Principles. She noted this document was developed by the C-FSC and is considered a working document and additional principles may be proposed as needed.

A Senator recommended adding a statement that these principles do not apply to Nursing, Dentistry, and Medicine, as is stated in the footnote in the Faculty Handbook. It was decided to not include this statement since these are only guidelines.

The amendments were passed by vote of the Council.

COMMITTEE REPORTS

See attached Document E.

Vice Chairperson Slater noted the Communications Committee still needs to elect its Chair.

Discussion/Questions on the following submitted reports:

Administration & Technology

Senator Kleinert noted the Committee's first action item is to invite Len Peters, Vice President and Chief Information Officer, to a Council meeting. The topics of discussion would include the safeguarding of data information. It was suggested to first ask if Peters plans to attend a University Senate meeting to present on this topic.

Educational Policies & Faculty/Student Relations

A Senator inquired on the authors of the answers provided on spring admissions. Senator Illingworth responded the impression the Committee received is that some answers were from MJ Knoll-Finn, while others were through conversations with the various Deans' offices.

In response to questions on compensation for summer courses, Illingworth reported it is variable from school to school and department to department. A Senator suggested the compensation equal the buy-out rate for courses, for instance if the buy-out rate is a 17% decrease, the additional course rate be a 17% increase.

A Senator commented the summer courses related to the spring admits program are different than the summer sessions, which are largely taught by adjuncts.

It was noted the Senate Committee on Organization & Governance (SCOG) is trying to gain an understanding of the main issues related to the spring admits program, including concerns over workload, summer teaching, and compensation. It was recommended to bring these issues to the Provost's Office.

It was also suggested to discuss AMI with the Provost Office, specifically the variability amongst the schools regarding the process used to award AMI. There is also concern regarding the reporting of AMI at 2.5% when the actual average AMI at the school level is 2.0%.

No Discussion/Questions on the following submitted reports:

Finance & Policy Planning
Governance
Personnel Policies & Contract Issues
Graduate Program Committee

Reports at Meeting:

There were no additional reports at the meeting.

The reports were accepted into the minutes.

NEW BUSINESS

Funding for Special Travel Needs

A Senator reported on the issue of faculty members not being able to use professional development funds to bring their child to a conference, particularly in the case of single parents. It was noted some universities have special funds to support this.

At the Senate Financial Affairs Committee (SFAC) it was mentioned there is discussion underway for a special travel fund in these cases for tenured/tenure track faculty but not for c-faculty.

The Benefits Committee will explore with the Work Life Office and the Finance Committee with SFAC.

Survey on Faculty Salary

The Finance Committee is looking into putting together a basic survey to be sent to all c-faculty to collect data regarding salary. This would include questions related to school, length of contract in calendar months, compensation, gender, and academic rank. The Committee will also reach out to the T-FSC and AMC to encourage them to survey their constituents.

A Senator suggested the Council ask the administration for equity reports similar to the Faculty of Arts and Science report. It was suggested to bring this to the Provost Office.

Special Guests at Upcoming Meetings

Chairperson Killilea announced President Hamilton will attend the November meeting and encouraged Council members to submit questions and/or discussion points for the Steering Committee to send prior to the meeting.

There is also a proposed plan to invite Sabrina Ellis and/or Marty Dorph to discuss human resource structures and reporting lines.

ADJOURNMENT

The meeting adjourned at 11:00 AM.