



MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF APRIL 29, 2021

The New York University Continuing Contract Faculty Senators Council (C-FSC) met at noon on Thursday, April 29 via Zoom.

In attendance were Senators Abel-Bey, Brar, De Bartolo, de Leon, Dickey, Gershman, Gold-Von Simson, Illingworth, Killilea, Kim, Latimer, Liston, Maier, Maynor, McCarty, Nielsen, Patterson, Renzi, Tourin, White, and Youngerman; Alternate Senators Birdsall, Bridges, Bruno, Davis, Ferguson (for Jahangiri), Iams (for Yuan), Keating, Kleinert, Morrison, Owens, Ritter, Spivakovsky, Stevens, Sun, Taitel, and Tyrell.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Upon a motion duly made and seconded, the minutes of the March 23, 2021 meeting were approved unanimously.

SPECIAL PRESENTATION

General Counsel Aisha Oliver-Staley

Oliver-Staley introduced herself as NYU's new Senior Vice President, General Counsel, and Secretary as of January 2021. Prior to joining NYU, Aisha was the Chief Ethics and Compliance Officer & Deputy General Counsel at Georgia Institute of Technology. At Georgia Tech, Aisha was responsible for the management and governance of its affiliated non-profit organizations and also advised on issues affecting a major research university, including compliance, ethics-related issues, and faculty-related issues. Prior to Georgia Tech, Oliver-Staley was an associate at McKenna, Long & Aldridge LLP in Atlanta, where she worked on general corporate matters for both nonprofit and for-profit organizations.

She noted her passion for the mission for higher education and the importance of understanding faculty interests across the broad spectrum of schools and departments.

In response to a Senator's inquiry on her experience at NYU and how it differs from other institutions, Oliver-Staley noted the larger scale, diversity of research, and significance of international relations.

In response to a Senator's question on her priorities as General Counsel, Oliver-Staley noted her commitment to increasing engagement between the Office of the General Counsel and the broader university. International relations, global operations, and managing compliance in different jurisdictions will also be major priorities.

A Senator inquired on the challenges facing universities in navigating the reliance on platforms such as Google, Facebook, and Zoom, and issues of academic freedom. Oliver-Staley noted this is an issue being closely examined, particularly after the current experience of relying on the online platform as a primary means of communication during the pandemic. They are continuing to examine the issues that arose from the pivot to these platforms.

Oliver-Staley encouraged the Council to bring any concerns to the General Counsel, and noted her Office's commitment to work with the faculty and with the leadership to address issues.

REPORT FROM THE CHAIRPERSON

See attached Document A.

Discussion/Questions on Chair's Report

In response to a Senator's question on the discussion at the Board of Trustees meeting, Steering Committee members noted they discussed quality of life for faculty as the University "returns" to campus, what housing will look like, concerns regarding an accidental blended teaching method, and the idea of a student vaccine mandate.

The Chair's Report was accepted into the minutes.

CALL FOR NOMINATIONS FOR STEERING COMMITTEE CANDIDATES 2021-22

See attached Document B: Current Senators.

Chairperson Youngerman announced the call for nominations for steering committee candidates.

Typically, the election is held at the final official meeting of the year. The Steering Committee suggested hosting the election at the May 25 retreat instead to allow more time for school election results to be finalized. It was suggested to keep the online ballot open so Senators unable to attend the retreat could participate in the election, since it was recently scheduled and after the end of the academic year.

The motion to host the Steering Committee election at the May 25 retreat was approved by vote of the Council. The Council also approved by vote that candidates will submit statements ahead of the meeting. For nominations that take place at the meeting, candidates may offer a verbal statement. These verbal statements will be recorded and transcribed and sent to those Senators unable to attend the meeting. It was suggested the ballot remain open for 24 hours after the meeting. Senators unable to attend the meeting and unable to complete the online ballot within that timeframe will inform the Manager of Faculty Governance that their Alternate will be voting in their place.

PRESENTATION AND DISCUSSION

C-FSC Bylaws

See attached Document C.

Senators discussed postponing the vote on the Bylaws to the May retreat. Other Senators noted amendments may be made to the bylaws and that a vote today would create operating rules of procedures that can be amended.

It was noted the Council must follow the University bylaws. Other rules not connected to the bylaws may be developed and amended by the Council. A Senator noted there should be clarity in this distinction.

Senators discussed when amendments to the bylaws must be presented in order to be voted on. Currently the draft bylaws state a proposed amendment to the bylaws must be presented to the Steering Committee at least one month in advance of a meeting of the Council. Senators discussed decreasing this timeframe so the bylaws could be voted on today and amendments could be presented and voted on at the May 25 retreat.

The motion to amend the Bylaws to state a proposed amendment must be presented to the Steering Committee at least three weeks in advance of a meeting of the Council was approved by vote of the Council.

The Bylaws, as amended, were approved by vote of the Council. Amendments will be presented ahead of the May retreat and voted on at the retreat.

School of Professional Studies (SPS) English Language Institute (ELI) Issues

Chairperson Youngerman noted the Steering Committee sent Provost Fleming a memo regarding the Council's concern about the status of the English Language Institute in SPS and English language education across NYU. The full text of the memo is in the Chair's Report, *see attached Document A*.

Youngerman welcomed Shant Melkonian of SPS to discuss the issue. Melkonian provided a summary of the brief statement from the ELI faculty. From 1945 to 2018, the American Language Institute, also known as the ELI, has been working with NYU students, particularly international students. They noted one of the criteria in evaluating universities that appeal to international students is their level of English language support, which ELI provides. Until 2018, they had 1500 students a semester. A dean made a decision to stop offering English language support from the ELI to the larger NYU community, a decision which was taken without faculty consultation, and enrollment numbers went down. It was noted instruction for international students was moved to other schools and departments, including Expository Writing, Liberal Studies, etc.

A Senator noted in the Recommendations for Continuing Contract Faculty Policies, developed by the C-FSC, one principle is that if a school or department is closing down, attempts will be made to find other employment or other courses faculty could teach. This principle was adopted in the SPS policy and may help the ELI faculty should the program close.

T-FSC Response to NYU Commitment to Open Access for Research

See attached Document D.

Senator Maynor reported on the process and response of the T-FSC regarding the open access resolution. In their memo, the T-FSC stated at the April 15 meeting, the Council considered the NYU Commitment to Open Access for Research proposal, which had been presented to the Council during the fall 2020 semester. They stated that while the Council enthusiastically supports the idea of Open Access, they have substantial objections to the Commitment proposal as it has been presented. Therefore, the Resolution to Adopt the NYU Commitment to Open Access for Research was rejected, with a vote of 2 in favor and 18 opposed.

The memo lists the reservations and concerns regarding the resolution.

Maynor noted the T-FSC expressed concerns regarding a compulsory directive for faculty to deposit their articles in an institutional repository or open environment. They noted there are instances in which faculty who are not corresponding authors do not have control over the circumstances surrounding the publication of an article. This Commitment, which is really a policy, would seem to provide the occasion for punitive action if a faculty member were deemed to be out of compliance for any reason.

Maynor noted the importance of open access and asked the Council how to best proceed given the C-FSC's approval of the resolution and support of Open Access and the T-FSC's rejection of the resolution.

A Senator suggested working with the T-FSC to examine their concerns and revise language if that would lead to approval.

In response to a Senator's inquiry regarding the T-FSC concerns, Maynor noted the OA policy would only apply to articles, and is standard language that has been used in OA policies all over the country and used in all of the best practices.

A Senator suggested bringing this as a discussion topic to the University Senate.

Youngerman concluded the Steering Committee will work with Maynor on next steps.

COMMITTEE REPORTS

See attached Document E.

No Discussion/Questions on the following submitted reports:

Educational Policies & Faculty/Student Relations
Faculty Benefits & Housing
Finance & Policy Planning
Global Network University
Grievance
Personnel Policies & Contract Issues
Community Standards
Undergraduate Academic Affairs Committee

The reports were accepted into the minutes.

MAY RETREAT

Youngerman encouraged Council members to brainstorm topics and agenda items for the May 25 retreat.

ADJOURNMENT

The meeting adjourned at 2:00 PM.