



Date: April 26, 2017

Memo to: Katherine Fleming, Provost

From: Fred Carl
Chairperson, C-Faculty Senators Council
A/Y 2016-2017

Subject: C-Faculty Senators Council Resolution regarding Employee Tuition Benefits for Faculty Pursuing Degrees-in-Course

At the April 25, 2017 meeting of the C-Faculty Senators Council, the Council approved the attached resolution.

cc: Cybele Raver, Vice Provost for Academic and Research Affairs
Carol Morrow, Vice Provost

C-FSC Steering Committee Members:

Mary Killilea, C-FSC Vice Chairperson

Joseph Borowiec

John Halpin

Larry Slater

Susan Stehlik

Patrick Ying

Vincent Renzi, C-FSC Faculty Benefits & Housing Committee Chair

Contract Faculty Senators Council
Committee on Benefits and Housing

Report on Employee Tuition Benefits for Faculty Pursuing Degrees-in-Course
April, 2017

The committee moves that the Contract Faculty Senators Council request that the Office of the Provost develop on behalf of the Board of Trustees procedures for the implementation of University Bylaw 81 (c) of December 14, 2016, that give reasoned justification for the policy of prohibiting faculty study toward degrees-in-course and the grounds for seeking the Board's exceptional permission for such study.

Background

This matter was brought to the attention of the Committee on Benefits and Housing in December, 2016, by constituent contract-line faculty appointed as language lecturers and senior language lecturers who sought to use their employee tuition benefits to pursue graduate degrees at the University. These faculty had been told that University policy on employee tuition benefits prohibited them from doing so, despite the fact that a number of faculty are known previously to have earned such degrees or to be currently pursuing them.

In researching this matter, the committee received confirmation from University Human Resources that there had been no change in policy regarding employee tuition benefits, and that a faculty member admitted to degree candidacy at the University would receive employee tuition remission benefits.

From the Office of the Provost, the committee determined that the difficulty was not due to a change in employee tuition benefits policy but rather to a change in the University Bylaw concerning faculty degree candidacy.

Bylaw 78 (c) previously read as follows.

No officer of instruction holding professorial rank in the University, that is, rank above the grade of instructor, shall be permitted to enroll as a candidate for a degree or be recommended for a degree in course. A degree candidate who accepts appointment to professorial rank must thereupon relinquish such candidacy.

So far as the committee has been able to determine in consultation with the Office of the Provost, the previous practice was to interpret the term "professorial rank" to mean those faculty with the word "professor" in the title of their appointment. For this reason,

language lecturers and senior language lecturers, not being so termed, were able routinely in the past to use their employee tuition benefits to pursue study as candidates for graduate degrees.

The revised University Bylaws of September 1, 2014, contained a number of changes related to the establishment of the Full-Time Continuing Contract Faculty. Among the changes was the inclusion of contract-line faculty in the prohibition on faculty degree candidacy, now at Bylaw 81 (c), as follows.

Degree Programs by Faculty. No Tenured/Tenure Track Faculty member or Full-Time Continuing Contract Faculty member, other than librarians, will be permitted to enroll as a candidate for a degree or be recommended for a degree in course, unless specifically excepted by the Board. A degree candidate, other than a librarian, who accepts appointment as a Tenured/Tenure Track Faculty member or a Full-Time Continuing Contract Faculty member must thereupon relinquish such candidacy, unless specifically excepted by the Board.

An immediate result of this change was to exclude language lecturers and senior language lecturers from pursuing study as candidates for graduate degrees. The matter became confused because this was mistakenly represented to some faculty as a change in employee tuition benefits policy. Moreover, the effect on the language lecturers and senior language lecturers appears to have been inadvertent. That is, the committee has found no evidence that the Board set out deliberately to prohibit these faculty from pursuing graduate degrees: Though it had been routine, the total number of faculty previously doing so was small, and the practice was uncontroversial. The impact on these faculty rather seems to have been an unanticipated consequence of Board's desire to include contract-line faculty in the Bylaws on the same terms as tenure-line faculty.

Recommendations

A brief survey of peer institutions reveals that such a general prohibition on faculty degree candidacy is not common. Indeed, other institutions often encourage further study, citing values such as lifelong learning and general excellence. The committee notes that faculty pursuing graduate degrees could also lead to a more interdisciplinary faculty; a better-retained and more diverse faculty (these appear to be goals and results of offering such study to administrators); and a faculty better prepared to respond to the increasingly complex demands of the modern university and our diverse and ever-changing student body. Nonetheless, it does not seem unreasonable to imagine that some limitations on faculty degree candidacy can be justified. At the same time, even prior to the establishment of the contract faculty, the Bylaws had recognized the possibility that the Board would consider exceptions to the prohibition on faculty degree candidacy, and the committee has found cases in which faculty termed "professor" have previously been granted permission to study toward degrees at the University.

The committee therefore recommends that the Office of the Provost consider whether the prohibitions of Bylaw 81 (c) are necessary, and, if not, what constraints would be necessary to have in their place (e.g., stipulations that would prevent faculty enrolled in degree programs from entering into conflicts of interest). On the other hand, if the broad outlines of Bylaw 81 (c) are necessary, the committee recommends that the Office of the Provost should articulate the reasons for the prohibition and the grounds for requesting exceptions to it; establish guidelines for faculty seeking such exceptions, and for their program heads, their deans, and for the Provost's Office in determining whether to support such requests; and publish these procedures where they will be readily and publically available to members of the University community. As a part of articulating these policies and procedures, the committee recommends also that academic justifications be given for the continued exception from the policy for Library faculty, and for the continued exclusion of graduate study in Law and Medicine, and in certain programs in the Stern School of Business, the School of Dentistry, and the School of Professional Studies. Justification should also be included for the continued extension of the prohibition to "administrators of policy-making rank," whom these Bylaws have consistently been interpreted to prohibit from degree candidacy as well.¹ In addition, the committee recommends that the Provost ask the Board of Trustees for authorization to grant waivers to language lectures and senior language lectures who were in such ranks as of September 1, 2014.

1. See, e.g., the University Faculty Handbook dated April, 2014, p. 51.

While the rule does not prohibit a teacher of professorial rank, whether on temporary or permanent appointment, from taking courses at this institution for credit to be applied elsewhere toward a degree, it does prohibit such an appointee from pursuing a course to be credited toward a degree at New York University. In applying the rule, the prohibition has been extended to all holders of professorial titles, including visiting, research, adjunct, and clinical professors of each grade, and to administrators of policy-making rank. The holder of any professional librarian's rank may pursue graduate work and be a degree candidate at the University.

Cf. the Faculty Handbook dated July 1, 2016, p. 24.

While the rule does not prohibit a Tenured/Tenure Track Faculty member, Full-Time Continuing Contract Faculty member, or Other Faculty member from taking courses at this institution for credit to be applied elsewhere toward a degree, it does prohibit such an appointee from pursuing a course to be credited toward a degree at New York University. In applying the rule, the prohibition has been extended to administrators of policy-making rank.