

NYUFSC

Faculty Senators Council

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November 25, 2012

MEMORANDUM

To: John Sexton, President
David McLaughlin, Provost

FROM: Ted Magder
Chairperson, Faculty Senators Council
A/Y 2012-2013

RE: Faculty Senators Council Memo on Faculty Handbook Amendments

At the November 20, 2012 meeting of the Faculty Senators Council, the attached memo regarding Faculty Handbook Amendments was approved.

CC: Carol Morrow, Associate Provost
Diane Yu, Chief of Staff and Deputy to the President
Bonnie Brier, Senior Vice President
Cara Terzulli, Manager of Operations
Marie Monaco, FSC Vice Chairperson
Mary Ann Jones, FSC Secretary
Christine Harrington, FSC Governance Committee Chair

Memorandum

Date: November 20, 2010

To: John Sexton, President
David McLaughlin, Provost

From: Faculty Senators Council

Cc: Bonnie Brier, General Counsel
Carol Morrow, Chief of Staff to the Provost
Diane Yu, Chief of Staff and Deputy to the President

Re: Faculty Handbook - Amendments

Thank you for your July 12, 2012 memo with proposed language on how to amend New York University's Faculty Handbook (FH). Some such language should be included in the 2012 online and downloadable pdf edition of the FH. However, the Faculty Senators Council (FSC) recommends the language below under the heading, **Language Proposed by Faculty Senators Council**.

We must also call your attention to the fact that, contrary to past practices at NYU and minimal requirements of shared governance, the FSC was bypassed in revising the 2012 FH. As NYU's elected faculty representatives, FSC must be consulted prior to posting any FH changes, as was done for previous FH revisions (e.g., 1999 and 2008). We document these past practices below under the heading, **Procedure Followed by Faculty Senators Council for Amending the 1999 FH**.

Consultation should follow the established and customary procedure used to amend the FH: Amendments that the administration proposes are sent to FSC's Executive Committee, which then requests an initial evaluation from the appropriate committees. For your 2012 proposals, this is the FSC's Governance Committee (see Faculty Senators Council Rules of Procedure, Section VI. 1. g.). They then should be discussed and approved by the full FSC. See **Procedure Followed by Faculty Senators Council for Amending the 2008 FH**.

In this past year, the following changes were made and posted to the Spring 2012 online and pdf edition of the FH by the administration without prior full review and approval by the FSC:

- The sentence, "All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University,"-- which appears at the end of the 2008 edition of the Handbook and in the updated Spring 2012 "strikeout" and "clean" versions of the Handbook distributed to Christine Harrington, Molly Nolan and Warren Jelinek at the January 27, 2012 meeting with

Carol Morrow, Peter Gonzalez and Julie Adams--- was removed from the 2012 online and downloadable pdf edition of the Handbook.

- In addition, changes to the “Intellectual Property and Conflict of Interest” policies were incorporated, as clickable links, into the 2012 online and downloadable pdf edition of the Handbook, absent full review by the Faculty Senators Council. Complying with a request for urgency from the administration, the Faculty Council Summer Committee did a preliminary and incomplete review of the current Intellectual Property and “Conflict of Interest and Conflict of Commitment” policies, and asked for more time for a complete review. This request was ignored. Instead, new versions of these policies were unilaterally incorporated into the 2012 edition of the Handbook by the Administration — versions that differ from those given to the FSC Summer Committee for its review, and that do not incorporate the few changes it suggested. Thus these changes were: a) not reviewed by the Summer Committee; b) not reviewed by the Governance Committee, and c) not accepted by the Faculty Senators Council. In the case of the Intellectual Property policy, the number of changes was substantial.

The Faculty Senators Council objects to, and cannot support unilateral changes to the Faculty Handbook. Such changes are serious breaches of the principles of shared governance, precedence, and trust between the Faculty and Administration. The Faculty Senators Council considers it essential that established procedures for amending the Faculty Handbook be made explicit and followed.

Language Proposed by Faculty Senators Council:

NOTE: This section should be included in the body of the FH and referenced in the Table of Contents as “Procedure for Amending this Faculty Handbook.” As currently presented online, this section is not included in the downloadable FH.

The Faculty Handbook is a guide to the Faculty and is designed to present general information about New York University, and some of the more important University policies and practices as they apply to the Faculty of the University. The Handbook is maintained by the Office of the Provost. It has been compiled from a number of sources. Significant portions of the Handbook have been adopted by, or reflect actions of, the University’s Board of Trustees, including: the excerpted portions of the University’s Charter and Bylaws; matters involving the Faculty such as with respect to academic freedom and tenure, appointment of faculty, faculty grievance procedures, and organization of the Faculty, among others; the establishment of University Councils and Commissions; and key policies, including the NYU Code of Ethical Conduct, Policy on Academic Conflict of Interest and Conflict of Commitment, and Statement of Policy on Intellectual Property, among others. Certain portions of the Handbook provide an overview of the University and its administrative offices, libraries and student affairs. The Handbook also provides links to Selected University Policies, which represent a broad array of policies, including policies that principally affect faculty and policies that may be of interest to faculty but that apply broadly throughout the University community.

The Handbook is meant to inform and serve members of the University Community.

Where a University Council, Dean or Faculty of a School (which includes a College or equivalent institute for purposes of this Handbook) seeks to propose changes to the Faculty Handbook, the body or person should contact the Provost (or his or her designee). The process for considering changes varies depending on the nature of the issue and whether the matter falls within the purview of the Board of Trustees or another body outside of the Office of the Provost. Where a matter is within the purview of the Board of Trustees, the Provost (or his or her designee) is responsible for making a recommendation to the President of the University as to whether the President should present the matter to the Board. This recommendation may be based upon prior consideration and approval of the proposed change by one of the elected Councils that comprise the University Senate. To clarify the history of a policy, all policies should designate the body or bodies of origin, the dates of approval and the body or bodies approving and date effective, as well as the office and individual responsible for the policy. The body or bodies of origin and approval should review any changes to be made.

Where changes to the Faculty Handbook principally affect Faculty, the Office of the Provost strives to assure that faculty are engaged in consideration of the changes and/or have an opportunity to review, comment and approve, which may be through established channels such as representatives of the Faculty Senators Council and committees of the University Senate that include faculty.

All changes to the Faculty Handbook are reviewed by the Governance Committee of the Faculty Senators Council and approved by the Faculty Senators Council before inclusion in the Faculty Handbook, including changes to policies provided only by clickable links. If a change to the Faculty Handbook must be made before the Faculty Senators Council is able to review and accept such change, it shall be noted in the table of contents and in the changed text that the change was made administratively until the Faculty Senators Council is able to review and accept the change.

The policies outlined in the Faculty Handbook at the time of hire form part of the essential employment understandings (contract) between a member of the Faculty and the University. Policies beyond those referenced in the Handbook are available [here](#). In addition, schools and units have their own internal rules, procedures and policies, such as school statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, which may supplement but do not supersede or replace policies outlined in this Faculty Handbook.

Procedure followed by Faculty Senators Council for amending the 2008 FH

1. The Faculty Senators Council received an edited version of the FH from the administration (Sharon Weinberg, Vice Provost for Faculty Affairs and Peter Gonzalez, Director of Academic Appointments).
2. A comparison was made between the amended version and the existing FH. Copies were distributed to all the members of the FSC. While the comparison revealed that most of the changes made were well delineated, one was not.
3. The Governance Committee reviewed the entire handbook and presented its recommendations to the Faculty Senators Council for action (see appended January 30, 2006 summary letter to Sharon Weinberg and Peter Gonzales from Virginia Black and the recommendations for review of the FH referred to therein). The Faculty Senators Council received the entire FH, with changes presented as strikeouts and underlines, as well as the letter summarizing the Governance Committee's recommendations *prior* to taking action. The Faculty Senators Council discussed and approved the recommendations and the letter.
4. Subsequently, changes were proposed by the administration, coming primarily via Pierre Hohenberg.
5. Virginia Black, the Chair of the Governance Committee, sent E. Frances White, who had replaced Sharon Weinberg, the appended recommendations for review and arranged a meeting with the Governance Committee.
6. The Governance Committee met with E. Frances White, Peter Gonzalez and/or Pierre Hohenberg to review all parts of the FH that pertained to the Faculty, focusing on, but not limited to, the sections on "Responsibilities of the Faculty Member" and "Guidelines for Sponsored Research," as well as some changes to the section dealing with titles for non-tenure track faculty. Changes were recommended on the basis of those meetings.
7. Each of the revised sections was then presented to the Faculty Senators Council with all changes marked in strikeouts and underlines. After all the recommended changes were discussed at a Faculty Senators Council meeting, the Faculty Senators Council voted to approve these amendments in March of 2007.
8. Very late in July 2007, the Faculty Senators Council received a plea from Pierre Hohenberg for changes in the section on "research misconduct" that he felt were necessary to review and approve in order to comply with new NIH requirements. Some communication problems regarding the changes to be made and the late date of the request meant that the Governance Committee and the Faculty Senators Council could not review the changes in a timely fashion. Furthermore, since the Senate originally approved the policy, the changes would have to be ratified by the Senate.
9. Yet still, FSC's Governance Committee and Executive Committee drafted a letter to members of the Council identifying the changes requested, noting the irregular procedure in hopes that it would not recur in the future, and only requested a "provisional approval" from Council members. However, the decision was made to enter the changes into the FH, noting in the index and in the text of this policy that the amendment was "administrative".

10. Subsequently, FSC's Governance Committee reviewed the administratively amended "research misconduct" policy at two of its full Council meetings (October and November of 2007) and submitted some points for consideration to Pierre for the final policy.
11. Following this, the Faculty Senators Council received the IP and Copyright policies, which Pierre Hohenberg had worked on with large committees. Both policies were also reviewed by FSC's Governance Committee, suggestions were made and most were incorporated, all prior to the Governance Committee recommending the policy for presentation to and approval by the FSC. FSC requested outside legal review of one particular point. This was done, a few changes were made in response to that outside legal review, and subsequently the policy was approved by the full Council in 2009.

Procedure Followed by Faculty Senators Council for Amending the 1999 FH

Professors Salah Al-Askari, H. Paul Gabriel, Judith Gilbride, Melvin Hausner, Clifford Jolly, Lynne McVeigh, Burt Schacter, and Paul Wachtel reviewed the 1999 Edition to the New York University Faculty Handbook for the Faculty Senators Council before publication – see the attached memorandum dated July 15, 1999 from the Steering Committee, 1999 Edition of the NYU Faculty Handbook.

3 Supporting Documents:

#1

MEMO, January 30, 2006

TO: Sharon L. Weinberg, Vice Provost for Faculty Affairs
Peter Gonzalez, Director of Academic Appointments

CC: E. Frances White, Vice Provost for Faculty Affairs
Pierre Hohenberg, Senior Vice Provost for Research

FROM: Virginia H. Black
Chair, FSC Governance Committee

RE: Changes to the NYU Faculty Handbook

The Faculty Senators Council, after being given the opportunity to review the draft Faculty Handbook and the recommendations of the Governance Committee, at its meeting on January 19, 2006, approved the well-delineated proposed changes (deletions struck over, additions underlined) in the draft Faculty Handbook that the Governance Committee had received in October, with the exception of the deleted cross-references and with the provisions noted below.

The Faculty Senators Council had approved the language inserted under *The Faculty V. Academic Tenure* regarding the tenure extension to ten years by the Leonard N. Stern School of Business in 2004 and the Board of Trustees also passed the changes *to Bylaw 72* in 2004. The Workload Relief Policy inserted under *Other Faculty Policies, Leave of Absence*, was approved by the Faculty Senators Council and the University Senate in 2004 and passed by the NYU Board of Trustees.

The Faculty Senators Council also approved changes in Faculty Titles, Non-tenure Positions for Tisch School of the Arts. However, the Council noted, that revision in the descriptions of the Teaching Associate, as well as those of Teaching, Graduate and Research Assistant Titles in the section on *Other Faculty Policies, Faculty Titles, Further Information on Selected Non-tenure Position Titles*, although well delineated, were made without prior consultation with the Faculty Senators Council.

Although it is our understanding that the usual practice has been to include at least the Chairs of the Governance Committee and Tenure Modification Committee, as well as the Chair of the Faculty Senators Council, when changes in the Faculty Handbook are being discussed, particularly when policy changes that impact the faculty are being contemplated, these latter changes were approved in order for them to be made in a timely manner.

One set of changes, not well delineated, was also approved. In the section under ***Other Faculty Policies, Responsibilities of the Faculty Member***, the sub-section title *Academic Responsibilities of the Faculty Member* (p 55) had been eliminated and the paragraphs in that sub-section had been reshuffled, without any change in wording, to follow a new paragraph (p 52) inserted at the beginning of the section on Responsibilities. The first paragraph of *Teaching Assignments* was been placed at end of this initial section under Responsibilities. The rest of the paragraphs from *Teaching Assignments* remained under a new title *Teaching Load Assignments* (p 53).

These changes were approved, despite the fact that they had not been properly delineated, because there had been no change in the wording.

In addition to the delineated items, the Faculty Senators Council found in its review the following problems that need correction prior to publication:

GENERAL- Structural:

The Index is incorrect

The Table of Contents should come before the introductory pages. The dates of policy adoption and the footnote regarding these should be included as in the 1999 edition.

The formatting is uneven. For example fonts are not uniform for the different section, e.g. 'Ethical Commitment' on second page of Introduction should be bolded as in 'Letter From The President' on the previous page.

There are too many blank spaces. The text should be tightened up, re-paginated and re-indexed.

Cross-references should be reinstated for ease of use

SPECIFIC:

Minor:

p 2, para 4, line 6. 'School of Education' should read 'Steinhardt School of Education'

p 3. last para The phrase 'took flight' should be changed. We would suggest 'began' or omit the whole sentence in which the phrase is found, substituting '...for the next stage in its development. In 1981, Dr. Brademas came to NYU after a distinguished 22-year career in the U.S. Congress. Under his leadership, the.....'

p 5. Numbers are missing in para 1

p 9 and throughout. The title 'chancellor' is used, but we do not currently have a chancellor

p 3 vs 13. There is a discrepancy in the name attached to the School of Social Work

p 25. We suggest that, until a section on use of the handbook can be written (see below), the information in the sidebar on p 25 in the 1999 edition be reinstated at the beginning of this section and that a sentence be added advising faculty that there may be additional, but not substitute, School bylaws, policies and procedures relevant to their positions.

p 34. The footnote regarding third and/or six year reviews should reflect the changes in the Leonard N. Stern School of Business.

p 57, para 3, line 4. Suggest using 'is paid' rather than 'will receive'.

p 57, para 5, line 1. There is a typo: 'mont' should be 'month'

p 64. If items 5 and 6 of the section ***Faculty Grievance Procedures, Faculty Grievances, General***, are on the same page one footnote, referenced twice will suffice.

p 80. Names are not current

p 89, para 7, line 4. There is a typo: The phrase "and/or Mt. Sinai health systems" it should read "and/or Mt. Sinai Health Systems"

p 97. In G, 'section _____' has been left blank

Major

p 2 & 13. The changes in the College of Dentistry and Division of Nursing are not reflected.

p 11. The AMC was approved as a separate Council of the University Senate, by action of the Senate in 2002. This change needs to be reflected in the By-Laws as well as in the Faculty Handbook.

Policies: The Equal Opportunity and Anti-Discrimination Policy, Affirmative Action Policy, and Policy on Sexual Harassment have all been revised and the revisions approved by the University Senate. They should be included in the Faculty Handbook as revised.

The Code of Ethical Conduct should be included in the Faculty Handbook and referred to in the Introduction, in paragraph on Ethical Conduct.

I would be happy to go over these aspects with you, if that would be helpful.

In addition to the above, we would like to formally submit recommendations made by the Governance Committee in April of 2005 (please see attached memo), as modified and updated at the December 15, 2005 meeting of the Faculty Senators Council. The

Governance Committee and Faculty Senators Council plan to undertake the tasks of changing the organization and indexing of the Faculty Handbook to make it more user friendly and writing a section on “How to use the Handbook”. We would appreciate it if the administration could provide a Table of Organization to accompany the Handbook, as this would help faculty members in understanding the University structure and in directing questions or issues. As noted, the University Charter and Bylaws should accompany the Faculty Handbook, in all venues, printed, CD and on-line.

We thank you for the opportunity to review the changes in the Faculty Handbook *in toto* and look forward to working with your office on the new endeavors, as well as future updating of the Faculty Handbook.



New York University
A private university in the public service

Faculty Senators Council

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April 1, 2005
Modified December 15, 2005

RECOMMENDATIONS
FROM THE FSC GOVERNANCE COMMITTEE, 2004-2005
REGARDING THE NYU FACULTY HANDBOOK

1. The Faculty Handbook should be revised to reflect changes in the University's structure since 1999 to assist new faculty in understanding the policies that relate to them and how changes affect faculty hired prior to a revised edition.
2. Several changes to the format would make the Handbook more usable, including:
 - a. A comprehensive index;
 - b. A Table of Organization of the University to accompany the Faculty Handbook;
 - c. An introductory statement that explains how faculty should use the Bylaws, policies and procedures compiled in the Faculty Handbook and an advisory note to faculty that there may be School bylaws, policies, and procedures relevant to their positions in the faculty;
 - d. CD-ROM and online access (pdf version only) that correspond to printed and paginated archival copies of the Faculty Handbook;
 - e. The University Charter and Bylaws should accompany the Faculty Handbook.
3. The Faculty Senators Council should vote on procedures for annual Faculty Handbook reviews so that it is an ongoing process.
 - a. The Faculty Handbook Subcommittee of the FSC's Governance Committee should review potential revisions annually in April (after the last Senate meeting) to include information from:
 - Senate and Faculty Senate Council reviews of minutes/resolutions;
 - University structure changes;
 - Questions that have come up each year from faculty, Schools, and deans; and
 - New policies that impact faculty.
 - b. A committee of the Faculty Senators Council including, at a minimum, the Chair of the Faculty Senators Council, the chair of the FSC Governance Committee, the Chair of the Tenure Modification Committee and/or a representative of those committees, should meet with the Director of Academic Appointments and the Vice Provost for Faculty Affairs in June of each year to discuss Handbook changes.
4. Printed archival copies of the Faculty Handbook, as well as School documents and policies that clarify terms of employment should be retained in the Faculty Senators Council Office, the Office of the Provost, the Office of the President, and the University Archives.

~~Doc 95~~



New York University
Interdepartmental Communication

July 15, 1999

MEMORANDUM TO: Professors ~~Salah Al-Askari, H. Paul Gabriel,~~
Judith Gilbride, Melvin Hausner, Clifford Jolly,
Lynne McVeigh, Burt Shachter, and Paul Wachtel

FROM: Steering Committee
1999 Edition of the NYU Faculty Handbook

We are delighted to be able to send you a copy of the 1999 edition of NYU's Faculty Handbook. With your good advice, and with the patient assistance of numerous administrators in our vice presidential areas, we finally have an updated version of our 1982 edition!

Early in September, the Handbook will be sent to all full-time faculty at the University who were on board in 1998-99. Copies will also be handed to new full-time faculty members by the various dean's offices, i.e., to faculty whose appointments are effective September 1, 1999 or later.

Please note that the Handbook is being issued with a few out-of-date statements in the Bylaws because the University's Board of Trustees has not yet made appropriate changes. However, all the non-substantive revisions in our formal rules (gender neutral changes and corrections) did not need to await Board approval and have therefore been incorporated throughout the 1999 edition.

We are most grateful for your excellent suggestions and your kind support during this long and complex project. Our special thanks to Lynne McVeigh and Judith Gilbride for shepherding the Handbook through the governance process. We hope very much that the 1999 Faculty Handbook will be useful to NYU's faculty over the coming years.

Harvey J. Stedman

S. Andrew Schaffer

Ada Meloy

Jo Seelmann

cc: President L. Jay Oliva

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