

New York University
A private university in the public service

Faculty Senators Council
194 Mercer Street, Suite 401
New York, NY 10012
Telephone: (212) 998-2230
Facsimile: (212) 995-4575

November 19, 2010

MEMORANDUM

TO: President John Sexton
Provost David McLaughlin

FROM: Robert Schacht
Chairperson, Faculty Senators Council
A/Y 2010-2011

RE: Faculty Senators Council Resolution Concerning Letters of Agreement at the
School of Medicine

At the November 18, 2010 meeting of the Faculty Senators Council, the attached resolution was approved.

CC: Carol Morrow, Associate Provost
Diane Yu, Chief of Staff and Deputy to the President
Robert Schacht, FSC Chairperson
Daniel Zwanziger, FSC Vice Chairperson
Carol Hutchins, FSC Secretary
Floyd Hammack, FSC Immediate Past Chair
Marie Monaco, FSC Tenure Modifications Committee Chair

Resolution Concerning Letters of Agreement at the School of Medicine

Background: The NYU Promotion and Tenure Guidelines state that the guidelines for individual schools, “and any subsequent changes to them, must be presented to the Provost of New York University for approval, and the Provost should consult with the Faculty Senators’ Council (FSC) prior to making the final decision about such changes.”

On February 16, 2006, the FSC approved the following resolution in support of this guideline: “The Faculty Senators Council affirms that any proposed changes to a School’s procedures for promotion and tenure must be submitted to the Provost, who in consultation with the Faculty Senators Council, will review and approve them.”

In a resolution approved in 2008 the FSC stated: “The Council believes strongly that unilateral imposition of modifications of existing practices and obligations involving tenure or retroactively altering agreements regarding tenure and institutional salary undermine the mutual trust that has been the bedrock of this University’s remarkable growth and success, and that will be essential as the faculty and the administration together face the challenges of achieving greater excellence.”

In 2009 the FSC reiterated this position stating: “In particular, as we have stated before, it is our understanding of the provisions of the Faculty Handbook that tenure protect faculty members’ economic security.”

It has recently come to the attention of the Tenure Modifications Committee of the FSC that a subset of tenured faculty members at the School of Medicine have been asked to sign contracts, termed “Change of Responsibility” agreements that would appear to limit their tenure rights.

Whereas: The privileges and obligations of tenure as described in the Handbook¹, include academic freedom and economic security; and

Whereas: New York University does not have a policy of post-tenure review that allows for the renegotiation of or reduction of salary. Therefore be it

Resolved: The current practice of the NYU School of Medicine to request that certain faculty members sign agreements limiting their tenure rights is in violation of the Handbook. We urge that the School of Medicine cease this practice, and that any alterations in the tenure guidelines outlined in the Handbook be subject to the appropriate procedures for instituting such changes. Let it be further noted that any changes to the tenure guarantees outlined in the Handbook will apply prospectively, and will not retroactively affect already tenured faculty.

¹Faculty Handbook, *Academic Freedom and Tenure*, pp 21-40, New York University, 2008.

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Office of the Provost
Elmer Holmes Bobst Library
70 Washington Square South, Room 1221
New York, New York 10012-1091
Telephone: 212 998 3077
Facsimile: 212 995 3190
david.mclaughlin@nyu.edu

David W. McLaughlin *Provost*

December 13, 2010

Dear Professor Schacht:

Thank you for your memorandum of November 19, enclosing a Faculty Senators Council resolution.

I, of course, agree with the statement in the resolution that any changes in University faculty tenure regulations can occur only after following required University procedures. The "Change of Responsibility" letters referred to in the resolution do not affect University tenure regulations. After receipt of your memorandum, I requested and received for review several of the letters to which you refer and they contain no modifications of the rules regarding tenure.

I note that I have previously approved the recommendations of the School of Medicine faculty's Academic Excellence Commission.

I should also note that any disputes concerning faculty salary or perquisites are subject to the established faculty grievance procedures.

Sincerely,

David McLaughlin
Provost

CC:

Robert Berne
Floyd Hammack
Carol Hutchins
Marie Monaco
Karyn Ridder
Ron Robin
John Sexton
Diane Yu
Dan Zwanziger



Date: Feb. 17, 2011

MEMORANDUM

TO: President John Sexton
Provost David McLaughlin

FROM: Nathaniel Landau, President NYULMC FC

RE: Letters of Agreement at the Medical Center

A handwritten signature in black ink, appearing to read 'Nathaniel Landau'.

On November 18, 2010, the NYU Faculty Senators Council (FSC) passed a resolution that termed the Letters of Agreement distributed by the Dean's office to the Medical Center Faculty to be a breach of the NYU Faculty Handbook.

At two recent meetings, the NYU Langone Medical Center Faculty Council (NYULMC FC) took up the matter of the FSC resolution. The result was the passage of three resolutions. These assert that when the FSC ruled on the Letters, it prevented the NYULMC FC from playing its rightful role in guiding policies that directly affect the Medical Center faculty.

The NYULMC FC resolutions and the outcome of the vote are attached. In brief, the resolutions state:

1. The NYULMC FC urges the leadership of NYU to disregard the resolution passed by the NYU FSC regarding letters of Agreement at the Medical Center.
2. The NYULMC FC urges the FSC to rescind their resolution and reconsider it once the NYULMC FC has made a determination the matter.
3. The NYULMC FC urges the NYU FSC to consult with the NYULMC FC in deliberations on future matters that specifically affect the Medical Center faculty.

Cc
Robert Schacht, President FSC
Steven Abramson, Senior VP
Robert Grossman, Dean and CEO
Carol Morrow, Associate Provost
Diane Yu, Chief of Staff to the President
Robert Berne, Executive VP

Three Resolutions regarding the Faculty Senators Council Resolution Concerning Letters of Agreement at the School of Medicine

Jan. 31, 2011

Whereas:

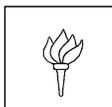
The recent resolution termed the “Faculty Senators Council Resolution Concerning Letters of Agreement at the School of Medicine” that was passed by the faculty senate was not discussed, considered or approved by the NYULMC Faculty Council.

The NYULMC Faculty Council believes that the NYU Faculty Senate should inform the NYULMC Faculty Council of its deliberations on matters that directly pertain to the Medical Center. The NYULMC FC should be informed before any such resolutions are approved and passed onto the leadership of the University. Furthermore, the opinion and guidance of the NYULMC FC should be solicited and be taken into consideration in the deliberations of the FSC on such matters.

Regarding the Letters of Agreement at the School of Medicine, this issue will be considered through the standard procedures of the NYULMC Faculty Council. The matter has been referred to the Benefits and Tenure Committee who will report on their findings. The Council will recommend whatever action we feel is appropriate after a careful, fair and thorough discussion.

Resolved:

1. We, the members of the NYULMC Faculty Council (NYULMC FC), urge the leadership of the university to disregard the resolution that was passed regarding the Letters of Agreement at the School of Medicine as it was passed without our knowledge and without our guidance.
2. We urge the NYU Faculty Senate to rescind the resolution regarding the Letters of Agreement at the School of Medicine and to reconsider it after having heard the disposition of the NYULMC on the matter.
3. We urge the NYU Faculty Senators Council not to approve any future resolutions that are directed at the medical center without prior consultation with the NYULMC Faculty Council.



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March 17, 2011

Dear Dr. Landau:

Thank you for your letter of February 17, 2011. The letter was reviewed by the Faculty Senators Council (FSC) Governance Committee and presented to the FSC.

In response, we would like to let you know that NYU's FSC is a University-wide body whose jurisdiction is defined by University Bylaw 41(c) as follows:

The Faculty Senators Council may consider any matters of educational and administrative policy and shall function as the Faculty Personnel Committee of the Senate.

The University recognizes senators, elected to the FSC by the eligible voting faculty of Schools in accordance with FSC voting procedures, as the official representatives of Schools. Committees within Schools, such as the Benefits and Tenure Committee of the Faculty Council at the School of Medicine, do not have standing to override FSC Resolutions.

We thank you for raising this matter. We understand that there are a host of on-going issues within the School of Medicine that require careful deliberation. We trust that you appreciate the well-defined role of University Senators in relation to University Affairs of an educational or administrative nature. We would like to keep the channels of communication open with all the Schools.

Sincerely,

The FSC Executive Committee

Robert Schacht, Chairperson
Daniel Zwanziger, Vice Chairperson
Carol Hutchins, Secretary