

New York University
A private university in the public service

Faculty Senators Council
194 Mercer Street, Suite 401
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Telephone: (212) 998-2230
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May 10, 2011

MEMORANDUM

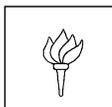
TO: President John Sexton
Provost David McLaughlin
Executive Vice President Michael Alfano

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

RE: Faculty Senators Council Resolutions regarding Shared Governance

At the May 5, 2011 meeting of the Faculty Senators Council, the attached resolutions were approved.

CC: Ron Robin, Senior Vice Provost
Carol Morrow, Associate Provost
Diane Yu, Chief of Staff and Deputy to the President
Daniel Zwanziger, FSC Vice Chairperson
Carol Hutchins, FSC Secretary
Floyd Hammack, FSC Immediate Past Chair
Ted Magder, FSC Chair-Elect
Christine Harrington, FSC Governance Committee Chair



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Resolutions of the Faculty Senators Council **Regarding Shared Governance** *Approved 5/5/11*

At the May 5, 2011 meeting of the Faculty Senators Council, the Council approved by a unanimous vote the following resolutions:

A. There are 5 basic features of shared governance:

1. Representation

WHEREAS: Shared governance means that input from the faculties' duly elected representatives (FSC) is central to the process of "consulting with faculty",

IT IS RESOLVED: That the Faculty's Senate Council will have representatives, selected by the FSC, on University Committees, Taskforces, or other like bodies dealing with all matters that affect faculty and university policy.

2. Information

BACKGROUND: The Faculty Senators' Council functions as the personnel committee for the faculty. As such, it is obligated to represent the faculty's interest in dealing with the administration, and to insure that the faculty is informed on issues that pertain to them and impact their well-being. It has been common practice by the administration to impose a rule requiring confidentiality with respect to deliberations on certain topics, such as, but not limited to, benefits. This practice is referred to as "deliberative privilege".

WHEREAS: This practice prevents the faculty from obtaining timely knowledge concerning issues that affect them, and

WHEREAS: This practice prevents the administration from obtaining valuable feedback from the FSC, and when appropriate, from the entire faculty,

IT IS RESOLVED: That the Faculty Senators' Council does not support the practice of a code of confidentiality, also known as "deliberative privilege", except in cases concerning information specific to individuals, whose privacy rights transcend the need for transparency, and cases involving university negotiating positions with external financial entities.

3. Consultation

WHEREAS: Shared governance means seeking and evaluating faculty input before decisions that affect faculty are made and adequately responding to faculty input,

IT IS RESOLVED: That when a decision is not pressing, a reasonable length of time for consultation must be provided (i.e., during semesters this means a few weeks in order to have at least one FSC meeting). During the summer when FSC is not in session, decisions should be postponed. If a decision is absolutely necessary during the period when the FSC is not in session, then all efforts must be made to communicate with the FSC Executive Committee, who will take appropriate actions to inform all Senators.

4. Reasoned Justifications

WHEREAS: Accountability is an important element of the consultation process,

IT IS RESOLVED: That when FSC advice is not taken, the Administration will provide, in writing, its reasons for not accepting the FSC's advice developed through the process of consultation.

5. Communications

WHEREAS: Access to information is fundamental to policymaking,

IT IS RESOLVED: That FSC Senators will circulate, through their Schools and departments, the agreement FSC worked out with the Administration (see Memo from Provost McLaughlin, 3/3/2011), which allows Senators access to email addresses of all faculty for the purpose of communicating with the faculty (their constituents).

IT IS RESOLVED: That FSC Senators are obligated to keep their respective faculty informed on an ongoing basis.

B. Implementation Process:

In May 2011, the FSC-GC will assemble instructions for revising the Faculty Handbook so as to incorporate the text of the above Resolutions on Shared Governance. The FSC-GC will circulate copy-edited pages of the Faculty Handbook to all current Faculty Senators in June, request comments and edits from all Senators, incorporate these edits, and formally propose such revisions to the Faculty Handbook at the first FSC meeting in fall 2011.

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David W. McLaughlin *Provost*

June 29, 2011

To: Ted Magder, Chair, FSC
Robert Schacht, Immediate Past Chair, FSC
Marie Monaco, Vice Chair, FSC
Mary Ann Jones, Secretary, FSC

From: David McLaughlin, Provost

CC: John Sexton, President
Michael Alfano, Executive Vice President
Karyn Ridder, FSC Coordinator

Re: FSC Resolutions about Shared Governance

Date: June 28, 2011

This will acknowledge our receipt of your transmission on May 10, 2011 of six resolutions and a proposed implementation process passed by the Faculty Senators Council.

We thank you for your continuing interest in promoting effective shared governance at the University and understand your desire to participate actively. We wish to indicate that we intend to work with you on the issues and concerns contained in the resolutions as we go forward in the coming months. We trust that we will be able to establish mutually agreeable guidelines and operating principles and expect to reach a conclusion that takes into account the points raised by the Faculty Senators Council and is approvable by the Provost.