MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF OCTOBER 22, 2020

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, October 22, 2020 via Zoom.

In attendance were Senators Amin, Battista, Cappell, Chen, Coslovsky, Das, De Leon, Duncombe, Economides, Fenton, Gyorgy, Hartman, Irving, Lapiner, Ling, Merritt, Mincer, Nonken, Pursley, Quinn, Schlick, Sternhell, Stimpfel, Young, and Zelikoff; Active Alternates Alter and Cole; and Alternate Senators Dasanayake (for Kamer), Gary, Gilchrist, Gunsalus, Higham, Jassen, Jasso, Partridge, Rock, Schuman, Shelley (for Parekh), and VanCleave; and Observer Miao.

APPROVAL OF THE MINUTES

Upon a motion duly made and seconded, the minutes of the September 24, 2020 meeting were approved unanimously.

CALL FOR NOMINATIONS

Candidates for T-FSC Chairperson 2020-2021

The Nominating Committee called for nominations for the position for T-FSC Chairperson for next academic year. The slate of candidates will be announced in the November meeting agenda and election will take place at the December meeting. Nominations are due by November.

REPORT FROM THE CHAIRPERSON

COVID related updates

Chairperson Merritt reported on the low positivity rates of COVID at NYU. She noted the challenges of Thanksgiving break and the large number of states on the quarantine list. Those traveling will need to quarantine upon return. There will be testing on campus the week prior to break.

She reported that NYU has set aside a furnished guest studio apartment near Washington Square, should a faculty member test positive for COVID and wish to isolate from others but have home living arrangements that make that difficult. If more than one faculty member is in need at a time, NYU also has other rooms that would be made available. If a faculty member receives a positive test result, they can request this housing support from the NYU COVID-19 Prevention & Response Team (CPRT).

NYU Reads

Merritt noted the NYU Reads program, which brings the NYU community together around a single common reading. She noted the Executive Committee is discussing with the C-FSC about doing a similar program for faculty. The first book they are recommending is How To Be An Antiracist by Ibram X. Kendi.
PRESENTATION, DISCUSSION, AND VOTE

Proposed resolution regarding New Secretary, 2020-21

See attached Document A.

Vice Chairperson Irving presented the proposed resolution. The Council approved the resolution to select Marilyn Nonken to serve as Secretary this academic year. She replaces Sonia Das, who stepped down from the position.

T-FSC COMMITTEE REPORTS

Diversity, Equity, and Inclusion

Executive Order on Anti-Racism Educational Development

Committee Co-Chair Marilyn Nonken reported on the Executive Order (EO) on anti-racism educational development. She noted due to the EO, the Committee is working to revise the language in the previously drafted resolution on Anti-Racism and Racial Bias, co-authored by the ad hoc committee of the T-FSC and C-FSC.

The original resolution addresses issues concerning anti-racism training at NYU. The Committee also examined two sets of concerns: 1) racial bias in hiring, retention, and promotion and 2) assisting faculty to identify and eliminate racism and racial bias in their teaching and scholarship.

The resolution included a pledge asking every faculty member to add the following to their signature block and to their syllabi: “I will be brave enough to have uncomfortable conversations and take action against racism at NYU.”

The Committee is working to revise the resolution’s language, specifically replace the word training with other terms such as education and learning and pedagogical development. They also have to replace the term bias and rename the resolution. The revision will be voted in the November meetings of the T-FSC and C-FSC.

Nonken noted the Faculty of Color Caucus (FoCC) Letter on Scholarly Excellence and Inclusion, which was endorsed by the C-FSC and discussed at the September T-FSC meeting.

The letter is in reaction to the publication and subsequent retraction of New York University Politics Department faculty member Lawrence M. Mead’s “Poverty and Culture”.

She noted this issue has been tabled and the Committee plans to invite representatives of the FoCC to discuss this at a later date.

A Senator inquired on the input taken in the revision of the resolution, including from General Counsel. Nonken noted the new draft takes into account the concerns presented to the Committee. She also noted she will send the draft to General Counsel for review of the revised language prior to the November meeting.

Personnel Policies & Tenure Modifications (PPTM)

SOM T&P

Committee Co-Chair Robert Lapiner reported the PPTM Committee will be reviewing the resolution passed by the Faculty Council at the School of Medicine (SOM) with respect to new policies governing
UNIVERSITY COMMITTEE REPORTS

Senate Academic Affairs

Spring 2021 Calendar

Committee Member Wen Ling presents the resolution passed by SAAC regarding the spring 2021 calendar. The resolution recommends that NYU alters its academic calendar to start classes one week later than currently scheduled and eliminate spring break due to COVID concerns.

Ling noted in President Hamilton’s recent email of October 20, he added the following additional proposals:

• Add two long weekends to the calendar for 2021 — Friday, March 19 and Monday, April 19 (in addition to the existing President’s Day Weekend, Monday February 15)
• Add a “Legislative Day” (a Thursday on which Monday classes would meet) to the calendar on Thursday, May 6

The resolution will be voted on at the November University Senate meeting.

SPECIAL PRESENTATION

Resolution for NYU to Adopt an Open Access Policy: Ashley Maynor

See attached Document B.

Division of Libraries faculty member, Ashley Maynor, presented the resolution. She was joined by Division of Libraries members Anastasia Chiu, April Hatchcock, and Vicky Steeves.

Open access (OA) refers to free, unrestricted online access to research outputs such as journal articles and books. OA content is open to all, with no access fees. Maynor provided a list of links:

List of 834 universities worldwide with a registered policy: http://roarmap.eprints.org/view/policymaker_type/research=5Forg.html
OA Research Guide: https://guides.nyu.edu/openaccess
FDA - NYU Institutional Repository: https://archive.nyu.edu
Direct sign in to FDA: https://archive.nyu.edu/mydspace
Link to look at open access policies per journal: https://v2.sherpa.ac.uk/romeo/

She discussed the importance of open access due to the following factors: journal costs are increasing at unprecedented rates and library budgets for these journals cannot keep pace, as well as the problems within the academic publishing model. She noted in the current model, faculty give away their articles, and copyrights to publishers for free and then the publishers charge the university to re-access this material. In addition, many students and researchers still cannot get the article they need, and libraries cannot afford many journals. Other motivating factors include grant requirements that mandate federal and private grants require data management plans and public access to research products, legal (Plan S) and ethical imperatives to share information without a paywall, and the rising costs of library subscriptions and tuition for students.
Maynor noted green open access is adding a copy of work into an institutional repository to ensure the long-term preservation and access to your work at your home institution or chosen organization(s). For instance, NYU has the Faculty Digital Archive (FDA).

Maynor summarized in the proposed NYU Policy on Open Access for Research each faculty member will grant to New York University a non-exclusive, irrevocable, royalty-free, and worldwide license. The NYU faculty author will remain the copyright owner unless that author chooses to transfer the copyright to a publisher.

Under this policy proposal, each faculty member will grant New York University permission to make available their scholarly articles and to reproduce and distribute those articles for the purpose of open dissemination.

They responded to Senator's questions.

In response to an inquiry if this integrates with NYU Scholars, Hatchcock reported they have been working with the NYU Scholars provider to facilitate this integration.

In response to questions on journals that require the transfer of copywrite, Hathcock responded one can negotiate their agreement to retain the right to deposit and provided the following link.

In response to a question on how to handle publications from large collaboration including authors from multiple international institutions which vary in their rules, Hatchcock responded typically the corresponding author will manage this but any of the authors can deposit. If copyright is retained, each author shares copyright equally and one does not need permission from the group.

A Senator noted his support of open access but questioned why NYU is pursuing a limited version of OA. Chiu stated they are looking to form a campus-wide commitment to open access and make it achievable for as many faculty members as possible.

A Senator asked for clarification on negotiations with publishers and expressed concern with language in the proposed policy regarding scholarly articles being made available without mentioning pre-printed articles.

Maynor noted the following links:

Guide on publishing agreements, including tools for negotiation: https://guides.nyu.edu/copyright/publishingagreements
On author rights: https://guides.nyu.edu/copyright/authorrights

The T-FSC will review the proposed policy and expects to vote on it at a later date.

President Hamilton

See attached Document C.

President Hamilton attended the meeting along with other guests: Katy Fleming, Lisa Coleman, Terry Nolan, and Carlo Ciotoli.

President Hamilton first thanked the Council and faculty for their hard work and dedication during these challenging times.

Hamilton addressed the questions circulated by the Council.
Question 1: It is our goal this academic year to investigate how a mandatory bias/anti-racism module can be implemented much the way the state mandated sexual harassment training is required. What is your position on mandatory anti-racism educational development programming? Has the university addressed the Executive Order in concert with other universities?

Coleman, Senior Vice President for Global Inclusion and Strategic Innovation, stated they are in the process of creating an online learning and development program for NYU. This would include information sent to the entire community and then subsets for the different communities: students, faculty, and administrators. Abu Dhabi and Shanghai would have programs specific to them and there will be one module of all other global sites. This project is in partnership with human resources.

Regarding the Executive Order on Combating Race and Sex Stereotyping issued on September 22, Coleman noted the Office of Federal Contracts and Compliance Programs (OFCCP) set up a hotline for reporting. NYU has partnered with the American Council of Education (ACE) and the Association of American Universities (AAU). She reported her Office sent a statement on October 6 on University Guidance regarding the Presidential Executive Order. See attached Document D.

Question 2: The School of Medicine has made a proposal to alter their Tenure guidelines. Should the tenure process be uniform at NYU? If not, what distinguishes the School of Medicine from processes required across all other schools?

Provost Fleming stated the School of Medicine’s proposal is for a change in their disciplinary procedures for tenured and tenure track faculty. She noted NYU has overarching University promotion and tenure guidelines, and then schools develop their own detailed guidelines for promotion and tenure that conform to the university wide guidelines while articulating the school’s own culture.

PPTM Committee Co-Chair Lapiner noted the Committee was under the impression the policies had been approved prior to being sent to the T-FSC.

It was clarified the recommendations were supported by the Faculty Council of the School of Medicine and now the Senior Vice President for Legal Affairs asks the T-FSC for comments on the proposed, prior to consideration by the Board of Trustees.

In response to concerns on the review process not coming from the Provost’s Office, it was clarified this is the process for the School of Medicine. [Unlike other deans who report to the Provost on academic matters, the Dean of the Medical School, under NYU by-laws, reports to the President. The request to review has therefore been transmitted by the General Counsel who is also both the official liaison with the Board of Trustees and serves as Secretary to the University Senate.]

Question 3: Can we do an in-depth epidemiological analysis of COVID-19 cases that emerged from NYU to understand the origins that led to those? This is more important in settings such as the Dental School where we can look at the role of aerosol-generating procedures on infections among people.

Carlo Ciotoli, Associate Vice President Student Health at NYU, noted that in contract tracing of every positive case, they examine patterns that may exist. He noted if the College of Dentistry is interested in a more in-depth examination linking positive cases in the school with the various activities, they would welcome the opportunity to engage with the school.

A Senator noted it would be useful in the dissemination of information on COVID cases, that the numbers be presented in categories of students, faculty, and administrators.

Ciotoli noted the numbers have been somewhat proportional to the number of people accessing campus and they have not seen a significant clustering in one area versus another of the NYU population. It was also noted due to HIPAA and privacy laws, if the numbers are small, to maintain anonymity and to not break them down into categories.
Question 4: Does the university administration consult with the deans in efforts to encourage outstanding faculty recruitment possibilities that could continue the university’s impressive longtime rise in worldwide academic standing?

Provost Fleming noted that with faculty taking advantage of the retirement incentive plan, attrition of faculty moving to other institutions, and the hiring pause, this is an opportunity to think strategically about future hires, increasing faculty diversity, etc.

Question 5: Has there been any discussion or planning for Election Day and postelection days, in the event we are met with civil unrest? Will there be some messaging around the quite salient collective anxiety and stress in these final days before November 3rd?

President Hamilton noted NYU Returns will send a broad, non-partisan message to the NYU community. Coleman noted the NYU Votes program

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
**Proposed Resolution regarding New Secretary, 2020-2021**

WHEREAS current Secretary Sonia Das has asked to step down from her Officer duties for personal reasons related to COVID;

WHEREAS the runner up Secretary candidate 2020-21, Danielle Ompad, is no longer eligible to serve on the Council;

THEREFORE, the Executive Committee, after consulting the Chair of the Nominating Committee, proposes the runner up Vice Chair candidate 2020-2021, Marilyn Nonken, be offered the position to serve as Secretary 2020-2021;

THEREFORE, BE IT RESOLVED that the Council selects Marilyn Nonken to serve as the new Secretary 2020-2021.
C-FSC Resolution to Adopt a Green Open Access Policy

WHEREAS the Faculty of New York University is committed to disseminating the fruits of its research and scholarship as widely as possible, and

WHEREAS, in addition to the public benefit of such dissemination, this commitment is intended to serve faculty interests by promoting greater reach and impact for articles, simplifying authors' retention of distribution rights, and aiding preservation, and

WHEREAS NYU lags significantly in terms of its peer institutions, whose faculties have adopted such policies as early as 2005,

THEREFORE, BE IT RESOLVED that, in keeping with these commitments, the Faculty adopt the proposed policy on Open Access for Research.
NYU Policy on Open Access for Research (Draft)¹

The Faculty of New York University is committed to disseminating the fruits of its research and scholarship as widely as possible. In addition to the public benefit of such dissemination, this commitment is intended to serve faculty interests by promoting greater reach and impact for articles, simplifying authors’ retention of distribution rights, and aiding preservation. In keeping with these commitments, the Faculty adopt the following policy on Open Access for Research.

Under this policy, each Faculty member will grant to New York University permission to make available their scholarly articles and to reproduce and distribute those articles for the purpose of open dissemination. In legal terms, each Faculty member will grant to New York University a non-exclusive, irrevocable, royalty-free, worldwide license to exercise any and all rights under copyright relating to each of their scholarly articles, in any medium, and to authorize others to do so, provided that the articles are not sold. The NYU faculty author will remain the copyright owner unless that author chooses to transfer the copyright to a publisher.

The policy will apply to all scholarly articles authored or co-authored while the person is a member of the Faculty, except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy.

A policy designate may waive application of the license for a particular article or delay access for a specified period of time upon written request by a Faculty member. To assist the University in

¹ This draft policy draws heavily on the recommendations of the Berkman Klein Center for Internet & Society at Harvard University’s Good practices for university open-access policies which has been endorsed by numerous projects and organizations, including:

- Association of Research Libraries (ARL)
- Australasian Open Access Support Group (AOASG)
- Coalition of Open Access Policy Institutions (COAPI)
- Confederation of Open Access Repositories (COAR)
- Electronic Information for Libraries (EIFL)
- Enabling Open Scholarship (EOS)
- Harvard Open Access Project (HOAP)
- Library and Information Association of South Africa (LIASA)
- Mediterranean Open Access Network (MedOANet)
- Oberlin Group
- Open Access Directory (OAD)
- Open Access Policy Alignment Strategies for European Union Research (PASTEUR4OA)
- Open Access Scholarly Information Sourcebook (OASIS)
- Right to Research Coalition (R2RC)
- Scholarly Publishing and Academic Resources Coalition (SPARC)
- SPARC Europe
- UK Open Access Implementation Group (OAIG).
distributing the scholarly articles, each faculty member will make available, as of the date of publication or upon request, an electronic copy of the final author's version of the article at no charge to a designated representative of the Libraries in an appropriate format (such as PDF) specified by the University Libraries. The University Libraries will make the article available to the public in NYU's open-access repository. In cases where the NYU license has been waived or an embargo period has been mutually agreed, the article may be archived in a NYU repository without open access, either limited to NYU-only access or no access at all, for the period of the embargo or permanently, depending on the waiver.

The Office of the Provost, in consultation with the Executive Committee of the Faculty Senate, will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time.

The policy and service model will be reviewed on a regular, periodic basis and a report presented to the Faculty via the Senate.

For more information on the implementation of this policy, contact the Director of Scholarly Communications and Information Policy at NYU Libraries.
MEMO TO: Andy Hamilton, President NYU

MEMO FROM: Executive Committee, T-FSC

RE: Questions to consider

DATE: 10.12.20

The T-FSC is pleased to have the opportunity to engage in a dialogue with the President on October 22 at 1pm EST.

As of this date, these are questions from council members:

a. It is our goal this academic year to investigate how a mandatory bias/anti-racism module can be implemented much the way the state mandated sexual harassment training is required. What is your position on mandatory anti-racism educational development programming? Has the university addressed the Executive Order in concert with other universities?

b. The School of Medicine has made a proposal to alter their Tenure guidelines. Should the tenure process be uniform at NYU? If not, what distinguishes the School of Medicine from processes required across all other schools?

c. Can we do an in-depth epidemiological analysis of COVID-19 cases that emerged from NYU to understand the origins that led to those? This is more important in settings such as the Dental School where we can look at the role of aerosol-generating procedures on infections among people.

d. Does the university administration consult with the deans in efforts to encourage outstanding faculty recruitment possibilities that could continue the university's impressive longtime rise in worldwide academic standing?

e. Has there been any discussion or planning for Election Day and postelection days, in the event we are met with civil unrest? Will there be some messaging around the quite salient collective anxiety and stress in these final days before November 3rd?

f. It seems that NYU does not have a public version of its Strategic Plan on its website. Can we request that one be made available to us?
MEMORANDUM

TO: NYU Senior Leadership Team
CC: NYU Global Inclusion Officers

FROM: Lisa Coleman, PhD, Senior Vice President for Global Inclusion and Strategic Innovation

DATE: October 6, 2020

SUBJECT: University Guidance Regarding Recent Presidential Executive Order on Combating Race and Sex Stereotyping

Dear NYU Senior Leadership Team,

As many know, Donald J. Trump issued an Executive Order on Combating Race and Sex Stereotyping (EO) on September 22, 2020. We are aware that countless members of our community are deeply troubled by this EO, and related events over the last weeks, months, and yes, in many instances years/decades. Since the EO was published, we have also been in communication with our peer institutions, as well as representative organizations such as the AAU and ACE, to monitor developments.

As we come to better understand the EO as an institution, we unequivocally state that NYU is not pulling back on diversity, equity, inclusion (DEI), anti-racism, anti-sexism, and related efforts. We will continue to move forward in our university-wide work and recognize and underscore academic research that enumerates the disenfranchisement and disparate treatment that historically marginalized communities have had to bear.

As a university with campuses and sites all over the world, it is important to note that a central purpose of our NYU global DEI education is to learn about differentiated cultures, histories, peoples, and relevant power relationships through transdisciplinary/interdisciplinary research and scholarship, as part of our collective work to make our global institution more inclusive and equitable. Therefore, even as the University evaluates the recent EO, be assured that we are steadfast in our advocacy for our research, education, learning, pedagogical, and co-curricular efforts that advance DEI and will continue in the University’s efforts to create a welcoming and supportive environment for all members of our global communities.

The EO contains requirements with respect to certain workplace trainings for federal contractors and their employees, which become effective in November. Until then, we will continue to monitor developments and update the NYU community as needed.

In the meantime, our current guidance is as follows:

- Schools, units, and departments should continue with regularly planned diversity, equity, and inclusion (DEI) research and educational learning opportunities for students.
- In general, DEI education and learning opportunities should continue to be grounded in and driven by academic learning and development initiatives, research, curricular, and research-based frameworks.
- We will continue to educate and conduct research on the importance, relevance, and histories of race, gender, and other salient identities through our teaching and scholarship; and we will continue to identify, acknowledge, and address the impact of differentiated and power-laden socio-cultural and historical experiences, practices, and cultures in our efforts to be a diverse, inclusive, and equitable global university.
• We will continue to support DEI-focused wellness programs and efforts across NYU and within schools, departments, and units (e.g., Office of Work Life, Human Resources, and related programs).

• Information regarding implications for federal grants and funded programs are still emerging. The University is continuing to monitor this and will provide updates as we learn more. We know this is an area of concern for many of our scholars.

• With respect to DEI trainings and learning and development opportunities currently offered to employees, including school-based offerings for faculty, we recommend an opt-in option for all sessions pending further developments related to the EO. We also recommend adding a note in session materials that the session is intended to offer academic instruction about diversity and inclusion.

• **As we continue to monitor developments, OGI will begin to review all DEI trainings and programs for employees University-wide.** OGI will work with NYU Human Resources, global inclusion officers, and other partners to collect relevant information from all areas across the University.

Information will evolve in the coming weeks and months, and we will continue to keep our community informed. In the meantime, we encourage community members to continue the important global DEI work across departments, areas, and units.

Please contact the Office of Global Inclusion, Diversity, and Strategic Innovation at globalinclusion@nyu.edu if you have questions or follow-up. Thank you to all members of our community for your ongoing hard work and commitment to inclusive excellence and equity at NYU.

All the best,

Lisa Coleman, PhD
Senior Vice President for Global Inclusion and Strategic Innovation