MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF FEBRUARY 4, 2021

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, February 4, 2021 via Zoom.

In attendance were Senators Barker, Battista, Cappell, De Leon, Duncombe, Economides, Geppert, Ghose, Gyorgy, Hartman, Hoffman, Irving, Jauernig, Ling, Makarov, Merritt, Mincer, Nonken, Parekh, Pursley, Quinn, Schlick, Sternhell, Stimpfel, Young, and Zelikoff; Active Alternates Alter and Cole; Alternate Senators Dasanayake, Gunsalus, Navarra, Partridge (for Kamer), and Schuman (for Chen); and Observer Miao.

APPROVAL OF THE MINUTES

Upon a motion duly made and seconded, the minutes of the December 17, 2020 meeting were approved unanimously.

CALL FOR NOMINATIONS

Candidates for T-FSC Vice Chairperson and Secretary 2021-2022

Nominating Committee Chair Parekh called for nominations for candidates for T-FSC Vice Chairperson and Secretary, 2021-22. Nominations, including self-nominations, should be sent by February 15. She encouraged Senators to consider running for the positions.

REPORT FROM THE CHAIRPERSON: DARCEY MERRITT

Executive Committee (EC) Meeting with provost

Chairperson Merritt shared updates from the Executive Committee (EC) meeting with the Provost on Jan. 24. The Provost reported on campus admissions. NYU had over 100,000 applications this year. It was noted that this year the SAT was not required.

The Provost provided her comments regarding the School of Medicine procedural changes. The response from the Personnel Policies & Tenure Modifications Committee (PPTM) was discussed later in the meeting.

Merritt provided an update on the vaccine rollout, noting those eligible are beginning to receive emails on scheduling their appointment. It was reported that NYU has a COVID positivity rate of 1% while NYC has a rate of 8%.

T-FSC Senators touring faculty meetings across the University

The EC discussed the idea of T-FSC Senators touring faculty meetings across the University to provide education at the school level on the Council and to encourage faculty members to become involved.

Welcoming the new General Counsel, Aisha Oliver-Staley

Merritt reported there is a new General Counsel, Aisha Oliver-Staley, and the EC will meet with her tomorrow and plans to invite her to a spring Council meeting.
PRESENTATION, DISCUSSION, AND VOTE

Personnel Policies & Tenure Modifications (PPTM) response

See attached Document B.

Committee member Mincer presented the Committee’s response regarding the School of Medicine’s disciplinary procedures changes related to tenure. He noted this reflects the broader issues related to the principles of shared governance, particularly regarding consultation and reasoned justification, which they did not feel were met in this process.

A Senator noted the concern over the weakening of tenure rules at the School of Medicine and the possibility this could apply to other schools in the future.

The memo serves to inform the President of the Council’s disapproval of the process and encourage an improved commitment to the shared governance principles in the future.

The memo was approved by vote of the Council and will be sent to the President and members of the administration, with attached correspondence between the Council and General Counsel on the issue and decision.

NYU Post COVID

Educational Policies & Faculty/Student Relations Co-Chair Irving noted the Committee will examine the issue of technology-enhanced education post COVID. It was noted this is different that the emergency pivot to remote that took place during COVID, and is instead an opportunity to engage technology in the classroom to enhance the educational experience.

Finance

Finance & Policy Planning Co-Chair Economides reported on the two salary studies on 1) pay equity analysis, which examined potential inequalities in pay for women and minorities and was completed by an outside consulting firm, and 2) faculty salary inversion, which investigated whether higher ranked faculty are paid less than lower ranked faculty. He noted the lack of participation offered to the Council in these studies and the lack of transparency in the data presented to the Committee.

T-FSC COMMITTEE REPORTS

See attached Document A.

Discussion/Questions on the following submitted reports:

Personnel Policies & Tenure Modifications

Committee Co-Chair Zelikoff reported Senator Partridge will serve as Committee Co-Chair this spring, replacing Robert Lapiner, who retired. Senator Mincer will also be joining the Committee.

The Committee plans to present their recommendation regarding the School of Global Public Health for vote at the March meeting.

Reports at Meeting:

Senate Committee on Organization & Governance (SCOG)

Merritt reported SCOG will present their proposals for school representation on the University Senate for vote at the upcoming Senate meeting.
ADJOURNMENT

The meeting adjourned at 1:00 PM.
Committee Report for PPTM

The PPTM Committee met for the first time since December, 2020 on January 26th to discuss a new chair(s) to replace Dr. Lapiner, who retired in Dec. Drs. Partridge and Zelikoff agreed to equally co-Chair the Committee. In addition, Dr. Mincer (College of Arts and Sciences) joined the Committee as a new member. Our next Committee meeting in Feb. will be focused on the policies for contract faculty at College of Global Public Health and brought up for approval by T-FSC on our March 4th meeting.

For the February 4th T-FSC meeting, we are planning to have a discussion by Dr. Mincer and the Committee regarding the PPTM response to recent SoM Policy procedures.

Thank you, Judith and Niki
Date: February 4, 2021

Memorandum to: Andrew D. Hamilton, President

From: Darcey Merritt
Chairperson, T-Faculty Senators Council
A/Y 2020-2021

Subject: Personnel Policies and Tenure Modifications (PPTM) Response

After a period of much friction about eight years ago surrounding the process of decision making on significant university policies, the principles of shared governance, as they appear in the Faculty Handbook* were given strong support by the Faculty, Administration, and Board of Trustees of NYU. We note in particular, two important aspects of these principles:

3. Consultation

Except under rare, extraordinary circumstances, the University administration will provide a reasonable length of time for T-FSC and C-FSC consultation and input on all matters that affect faculty in educational and administrative policy. This means that the administration must plan in advance to allow enough time for at least one regularly-scheduled T-FSC and/or C-FSC meeting to occur before the consultation period comes to a close on any particular matter.

For urgent decisions, such as decisions that must be taken during the summer or winter holiday, when the T-FSC and C-FSC are not in session, each Council will establish a “provisional review committee” and a set of procedures for timely consultation and input regarding University administration decisions on matters that affect faculty in educational and administrative policy. All decisions reached by each Council’s provisional review committee are subject to full Council review and approval. Each Council will promptly convey its final decision on the matter to the administration, which in turn will reconsider the provisional policy, based on new or additional advice provided by the Council. The administration will then promptly convey its final decision to each Council.

4. Reasoned Justification

When the T-FSC and/or the C-FSC submits advice in writing to the University administration and the administration does not agree with or accept the Council’s advice, the administration will provide its reasons for not accepting the Council’s advice to the Council(s) in writing and in a timely manner.

The details of the procedures to be followed to conform to the letter of these principles are subject to interpretation. But, until recently, the practice has been such that both the faculty and administration have found the process productive and in accord with the spirit of these principles.

In particular, though the principles do not specify a specific amount of time to be allowed for faculty council review, the T-FSC has found that, with appropriate effort commitment on its part, reviews could be done without undue time pressure. When policy documents were the subject of the review, the response included the original document interspersed with comments and suggestions, in addition to general remarks as appropriate. The administration’s (in all cases until last semester, the Provost's Office) response to such a review document was regularly a point by point response, either accepting each suggestion or providing reasoned justification for not doing so.
Unfortunately, this practice was not followed last semester. On more than one occasion insufficient lead time was given for the review process resulting in a heavy burden for the members of T-TFSC Personnel Policies and Tenure Modifications (PPTM) Committee and making it difficult to maintain the level of diligence that review of these policies merits. In addition, for one document, the Grossman School of Medicine's modification of Tenure and Promotion guidelines, the response received was a general one that did not address the specific points made in the review.

We urge the administration to commit to a procedure that is in the spirit of the principles of shared governance of the type that has worked so well for a number of years and to provide some assurance that this will be the regular practice in the future.

*(https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-university/organization-and-administration/university-councils-and-committees.html#principles)*

cc:  
David Irving, T-FSC Vice Chairperson  
Marilyn Nonken, T-FSC Secretary  
Nicholas Economides, T-FSC Immediate Past Chair  
Nicola Partridge, T-FSC PPTM Committee Co-Chair  
Judith Zelikoff, T-FSC PPTM Committee Co-Chair  
Katherine Fleming, Provost  
Aisha Oliver-Staley, General Counsel and University Secretary  
Richard S. Baum, Chief of Staff to the President  
Ellen Schall, Senior Presidential Fellow  
Kristen Day, Vice Provost