



NEW YORK UNIVERSITY

Faculty Advisory Committee on the Global Network
Thursday, May 14, 2015, 8:00 a.m. – 9:30 a.m.
President's Conference Room (Bobst Library, 12th Floor)

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Meeting Notes

MEMBERS PARTICIPATING IN MEETING

Jonathan Bach, Student Senators Council
Eliot Borenstein, FAS (Russian & Slavic Studies) *Co-Chair*
Sylvain Cappell, Courant Institute of Mathematical Sciences
Una Chaudhuri, FAS (English) and Tisch (Drama) *Co-Chair*
Lucinda Covert-Vail, Libraries
Kevin Davis, School of Law
Richard Foley, Administrative Liaison to the Committee (Vice Chancellor for Strategic Planning)
Chen Jian, NYU Shanghai
Don Garrett, FAS (Philosophy)
Liliana Goldin, Silver School of Social Work
Martin Klimke, NYU Abu Dhabi (FAS, History)
Ritty Lukose, Gallatin School of Individualized Study
Vicki Morwitz, Leonard N. Stern School of Business
Fred Myers, FAS (Anthropology)
Robert Rowe, Steinhardt School of Culture, Education, and Human Development
Mal Semple, NYU Sydney
Lisa Springer, School of Professional Studies
Joshua Tucker, FAS (Politics)

Guests:

Erum Raza, Chief Compliance Officer, NYU Abu Dhabi
Ellen Schall, Senior Presidential Fellow
Justin Stearns, Assistant Professor in Arab Crossroads Studies and Chair, Faculty Committee on Labor and Social Responsibility, NYU Abu Dhabi

Report on Meeting

Co-chairs Una Chaudhuri and Eliot Borenstein opened the meeting by welcoming all committee members and introducing guests.

Martin Klimke gave a presentation on the recently released Nardello report, which can be found at

<http://www.nyu.edu/content/dam/nyu/provost/documents/Committees/FacultyCommitteeonGlobalNetworkNardelloReport14May2015.pdf>.

1. He concluded that the empirical evidence provided by the Nardello report has now helped NYU Abu Dhabi begin to move forward and come to terms with the fact that the construction process fell short in a number of areas, but that efforts to uphold labor values were being redoubled now and would continue in the future.
2. He added that several faculty committees and the compliance team are working hard, and their efforts will continue to be instrumental at NYU Abu Dhabi and in working with Tamkeen.

Next, Justin Stearns discussed with the committee the findings of the final report of the Faculty Committee on Labor and Social Responsibility at NYU Abu Dhabi.

3. Stearns mentioned that the committee has made some recommendations with respect to the exemption policy and also has some ideas about the complicated problem of compensating workers for recruitment fees.
4. He added that the committee suggested that the NYU Abu Dhabi compliance team gain access to aggregate data about workers from subcontractors, including where employees live.
5. Since the number of contracted workers directly employed by NYU has tripled in the last few years, from 200 to 800, with the opening of the new campus, the committee also suggested that the compliance team should grow accordingly.
6. He outlined the report's recommendation for a welfare initiative for both contracted and domestic workers, and the report's recommendation to establish a legal clinic for the workers. He further noted that the report highlighted the importance of the role of the Director of Social Responsibility, including encouragement for subcontractors to promote from within. He also noted the recommendation that the English in the Workplace program be increased and strengthened.
7. Committee members inquired about, and Stearns responded to, questions as follows:
 - a. Regarding reimbursement for recruitment fees and compensation for workers, Stearns observed that reimbursement for recruitment fees paid before the construction phase is not on the table. He also explained that the policy of the contract is that only workers recruited specifically for the NYU Abu Dhabi project would be reimbursed for the wage gap on the project.
 - b. Ellen Schall added that Nardello was hired by the UAE government (not NYU), and that their investigation was thus independent of NYU. Once the report was issued, she continued, NYU and the UAE government decided to develop a partnership response. Schall agreed with Klimke's and Stearns's assessment of the report and the present climate at NYU

Abu Dhabi. She also noted that the Nardello report makes clear that there was a gap between aspirations and implementation in the construction of the Saadiyat campus.

- c. Stearns informed the committee about the ongoing labor-related speaker series at NYU Abu Dhabi, specifically mentioning Ray Jureidini (Professor of Ethics and Migration at Hamad Bin Khalifa University in Doha, Qatar) as a strong conversational partner in developing Stearns's committee's report.

Next, Erum Raza discussed the following topics and answered the following questions from the committee:

8. Raza said that in her view future discussions should center on the *current* Supplier Code of Conduct, which was put in place in early 2014 and specifies new standards regarding recruitment fees. The new code does not require that an individual must have been recruited specifically for the NYU project—as long as recruitment occurred within 12 months, the supplier is obligated to repay the recruitment fee.
 - a. Raza also explained that the biggest challenge within the new code is that individuals are required to provide proof of payment, since these fees are often paid in cash and/or to an agency or middleman. Raza's office has helped workers retrace the paper trails of their payments in order to process reimbursements from the suppliers. She indicated that 20 individuals were reimbursed directly by the University because they lacked receipts.
 - b. She also pointed out that dining services workers (who represent about 280 of the current 800 total contract staff at NYUAD) were hired within the UAE and have not paid recruitment fees.
9. One committee member stated that a compensation policy should not be regarded as “looking backward,” and that accountability should instead be considered a forward-thinking notion.
 - a. Schall agreed that the past and the future are linked, and urged the committee to recognize that the Nardello report identifies both failures and successes, including the fact that two-thirds of workers were treated in accordance with higher standards working for NYU than they previously had been. Schall did, however, note that NYU was unsuccessful in persuading its partners to fully reimburse all recruitment fees for all workers on the NYU project.
10. Chaudhuri inquired about the scale and process for payments that will now be made to workers and how information about that process will be communicated to the wider university community.
 - a. Schall explained that in summer 2015, a third-party firm will be chosen to develop a system to locate the workers in question. Funds will be transferred first to those who are in the UAE and hence easier to locate; there then will be an effort to locate those who have moved back to their home country. This is expected to take 6-12 months in total.
 - i. Raza added that this third-party firm will convene a committee that will include NYUAD representatives and government representatives.
 - ii. Raza also added that all payments through workers will be processed through an electronic payment system that is linked to

visa numbers and immigration status of workers. The process will also require coordination with employers of workers with whom NYU did not have direct contractual relationships. Overall, the process will require a great deal of collaboration between NYUAD, Tamkeen, and the UAE government, as well as all companies who collaborated with Mubadala Development Company.

11. One committee member inquired about the recommendation to establish a law clinic, and suggested that NYU Law students might be eager to participate in this effort.
 - a. Raza responded that the clinic is still in the idea phase but that it would be great to collaborate on it with NYU Law and get students involved. Raza is currently working on a proposal for the clinic, which will be brought back to the faculty committee.
12. One committee member inquired whether there were any concerns about vendors refusing to participate in the reimbursement process.
 - a. Raza acknowledged that, as in any compliance program with a supplier code of conduct, there are concerns about retaliation, but that the requirement that recruitment fees be repaid by the supplier/vendor was always part of the compliance standards (even before the 2014 revision of the code); neither NYU nor the UAE government were ever named as responsible for the repayments. Raza emphasized compliance monitoring as the path to alleviating these concerns, and explained that NYU ensures that suppliers inform workers of the grievance procedures in place and their rights to reimbursement. NYU has various ways of monitoring compliance, including 50-70 worker interviews a month, which are collated into a list that summarizes the feedback, which is in turn brought back to the supplier with a request for remediation.
 - b. Klimke added that, in addition to interviews, there is an anonymous hotline, an anonymous website feedback mechanisms, and many other informal means by which workers can make complaints known to NYUAD faculty and staff.
13. One committee member inquired about scope of and interest in the adult education program on the NYUAD campus.
 - a. Raza responded that about 280 people have made use of this program, and the ultimate goal is to expand the numbers as well as course offerings (beyond English instruction, to professional development courses).

Next, Raza presented a brief overview of the labor compliance program structure at NYU Abu Dhabi.

14. She outlined a new working group that includes two members of the NYUAD compliance team, two Tamkeen government partners, and one NYUAD faculty member.
15. She explained that the NYUAD compliance team currently oversees 800 contract staff, plus another 200 who are employed by Tamkeen. The team currently has four people, but hopes to hire two more members soon.
16. She noted that the compliance team works closely with the following groups:
 - a. The University Affairs Senior Leadership Group (which consists of the Vice Chancellor, Provost, and CEO of Tamkeen);

- b. the Faculty Advisory Committee on Labor and Social Responsibility (on which all members of the compliance group sit as non-voting members);
 - c. the Task Force on Adult Education (a faculty-student committee that has issued its report on adult education opportunities provided to workers, and will dissolve at the end of this year);
 - d. the NYUAD Audit Committee (comprised of NYUAD and government partners);
 - e. and an independent third-party compliance monitor (a new monitor will be announced soon, to replace Mott MacDonald).
17. Raza informed the committee that, to date, the compliance team has not found any individual who directly requested reimbursement fees and who subsequently left the project or been terminated. When her office hears of a possible termination situation, she explained, they investigate to ensure that compliance standards were followed in that person's case, and follow up closely to avoid any risk of retaliation.

Klimke and Raza then discussed with the committee the Domestic Employment Initiative, which started at NYU Abu Dhabi in fall 2014.

18. Raza explained that the Initiative is housed within the Compliance office, which is currently developing guidelines (to be released soon) that specify living and working conditions for domestic workers based on guidelines from Human Rights Watch and other organizations, as well as guidelines provided by the US State Department to their own employees who employ domestic workers in the Middle East.
19. Raza emphasized that NYU does not have as much control in this field as it does with contract workers, since it does not have a direct contractual relationship with domestic workers who are employed by faculty, staff, or their spouses. There are currently 12 domestic workers living on the NYUAD campus, but the University does not have statistics on off-campus domestic workers employed by NYU faculty and staff. Still, the Compliance office aims to ultimately extend all opportunities available to NYUAD contract workers to those domestic workers as well.
20. Borenstein noted that NYUAD is far ahead of NYU New York on this front, and Raza agreed that domestic workers are at risk globally, including in New York City. One committee member suggested that it should be this committee's responsibility to address the situation of domestic workers in New York.

The committee ended its discussion with guests by addressing the issue of communication with the larger University community regarding next steps in the NYUAD labor compliance effort.

21. Klimke suggested that the task of disseminating information across the University should be a joint effort between the T-FSC's Global Network University Committee and this committee. He also noted that faculty-student dialogue on labor issues should continue, and should increasingly incorporate New York and Shanghai colleagues going forward. He noted that the T-FSC GNU Committee has recommended the establishment of a central committee for labor issues across the global network, whose ideas and recommendations would ultimately be transmitted to the Senate.

22. Klimke encouraged committee members to share his presentation on the Nardello report with faculty colleagues at their schools and units.
23. Raza noted that NYU should take advantage of this report to recognize how many workers have been helped through this process. She encouraged all committee members to continue the discussion both within and outside the University through all their networking channels. She noted that she herself is informally sharing ideas with other US parties operating in Abu Dhabi (such as the Guggenheim Museum and FerrariWorld), to discuss the responsibilities of an American institutions operating in the Middle East who employ non-US workers.

The co-chairs thanked the guests for visiting the committee, and Klimke for his presentation. It was agreed that Klimke's presentation would be posted on the committee's website. Borenstein thanked Klimke and Chaudhuri for consistently conveying to New York colleagues a great deal of information about ongoing labor-related issues at NYUAD to the committee from an on-the-ground perspective.

One committee member suggested that, when the committee reconvenes in the fall, it should address the continued concern faculty have about the issue of mobility across the global network, especially with to visas to Abu Dhabi and Shanghai. Borenstein reminded the committee that the Provost will produce a report on mobility by the end of the summer, and the committee will subsequently discuss.

Chaudhuri encouraged the committee to review the T-FSC GNU Committee's report, which addresses this committee's proposal for a new Global Network Faculty title.

The co-chairs stated that they would soon send the committee a draft for a brief final report on the committee's work in 2014-2015, including its transition from being an appointed ad-hoc committee to being a standing committee. They requested that all subcommittees report back on their work and questions addressed this year, and pass along any documents that should be included or flagged.

The co-chairs noted that they would be in touch over the summer, and thanked all committee members for their service in 2014-2015.