

AAUP

American Association of University Professors

Academic Freedom for a Free Society

January 14, 2010

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Dr. David W. McLaughlin
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70 Washington Square South
New York, New York 10012-1091

VIA FACSIMILE (212) 263-3275

Dr. Robert I. Grossman
Dean, New York University School of Medicine
Langone Medical Center
550 First Avenue, HCC-15
New York, New York 10016

Dear Provost McLaughlin and Dean Grossman:

The officers of the NYU School of Medicine Faculty Council have sought advice and assistance from the American Association of University Professors regarding the "Proposal for Salary Adjustments 2010" formulated by the School of Medicine administration and, by letter of November 3, 2009, approved by the Provost for implementation. We understand that the proposal contemplates reduction in salary for selected tenured faculty members whose research has received inadequate support from outside funding, according to the proposal's guidelines. We understand further that the dean, in requesting approval of the proposal for 2010 with reductions to become effective as of January 1, stated that the 2010 reductions would be for a maximum of 20 percent (with further reductions in the individual's salary a possibility in subsequent years) and that he expected that "no more than 20 faculty members" would be affected during this initial year of the program.

The School of Medicine Faculty Council, as you know, wrote on December 8 to convey its concerns with the proposal, asserting that it is in basic disregard of NYU's stated policies on faculty tenure and on shared academic governance. We are writing, as you can appreciate, to inform you that we share these concerns.



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The AAUP has had its differences with the administrations of NYU and its components over time, but literally for a half century the university's commitment to tenure has not, until now, become an issue with us. In 1960, in the context of removing an AAUP censure, the NYU Board of Trustees adopted new policies fully consistent with the 1940 *Statement of Principles on Academic Freedom and Tenure* which, as reported in AAUP's published account on the matter, "make it clear that the institution's tenure policy has the force of contract." With respect to shared academic governance, a censure imposed in 1990 resulting from a faculty member's case in the School of Medicine was removed in 2003 following a satisfactory settlement of the case and the School's adoption, quoting from our published statement on the censure's removal, of "commendable procedures, previously non-existent, for a collegial faculty role" in academic decision making.

Issues relating to the sources of funding for medical school positions are addressed by AAUP in our enclosed 1999 report, Tenure in the Medical School (Statement of Policy, Section 5). Note its quoting the stipulation in the 1940 *Statement of Principles* that tenure calls for "a sufficient degree of economic security to make the profession attractive to men and women of ability." Note especially these provisions: "...all tenured and tenure-track faculty should be guaranteed an assured minimum salary adequate to the maintenance of support at a level appropriate to faculty members in the basic sciences, and not merely a token stipend, on a formula to be determined by the administration and board of trustees after consultation with a representative body of the faculty. The unilateral administrative abrogation of a portion of that salary, absent a prior understanding as to the extent of its guarantee, may reasonably be interpreted not as an exercise of fiduciary responsibility but as an attack on the principle of tenure."

In addition to our concern regarding tenure rights that should be evident from the foregoing, we are concerned that the proposal and the formulas for implementation are not to be confined to new appointees or probationers in the early stages but are to apply rather to faculty who have been granted indefinite tenure without any conditions which put their economic security at this kind of risk.

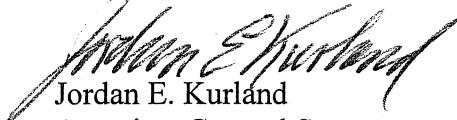
Regarding shared governance, the December 8 Faculty Council memorandum points to the various NYU faculty bodies that it believes should have had a say in the proposal's adoption. Suffice it for AAUP to emphasize its sense of strong concern that the proposal, with its evident major impact on faculty status, has been going forward despite the Faculty Council's objection.

At a meeting earlier this week with the Faculty Council's Executive Committee, we are informed, Vice Dean Abramson reported that thus far no action under the proposal had been taken against anyone and that the total number of 2010 involuntary reductions might be only five or six. We hope very much that ways can be found to reduce the five or six to zero. We join the Faculty Council in respectfully requesting that the "Proposal for Salary Adjustments 2010" be reconsidered.

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We look forward to your response.

Sincerely,



Jordan E. Kurland
Associate General Secretary

Enclosure

cc: President John Sexton
Senior Vice President for Health Robert Berne
Vice Dean Steven Abramson
Faculty Council President Marie E. Monaco
AAUP Chapter President Andrew T. Ross

