Friday, May 3, 2013

Dear Ms. Nichols,

I will do my best to respond to your statements, notwithstanding the lack of specificity of the claims being made.

The implication you make – that we made a staffing decision based on an individual’s support for unionization – is not only incorrect, it also indicates that you are unaware of the Italian legal framework that governs every aspect of our contractual relationships with faculty and employees in Italy.

Italian labor law changed last summer in a way that had a significant impact on the types of employment contracts we were permitted to have with our faculty at NYU Florence.  Prior to this legal reform, some – but not all – of our faculty were hired on consultant contracts that afforded the faculty significant freedom in structuring their classes.  While permissible in the past, the legal reform prohibited most consultant contracts.  Instead, in most cases, it required us to enter into a new type of contract with faculty – dependent employment relationships.

There really is no issue of unionization in Italy.  The contract under which we employ dependent faculty is a contract negotiated by the relevant union and the national government.  Far from sudden and drastic reductions and terminations, we put 38 people on dependent employment contracts.  Indefinite term dependent employment contracts are different from but analogous to tenure, giving them rights to secure employment with substantial benefits, but also new responsibilities required under law and the national collective bargaining agreement applicable to these faculty members.  This change in contract also gave these faculty members the right to join the national union and elect a representative to negotiate with the university, a right that our faculty has exercised.  This is the system that Italian law contemplates as the means through which disputes are resolved, and we embrace it.  We welcome the union and look forward to a collaborative, regular and

productive working relationship in the resolution of issues of concern.

No faculty member has been released in retaliation for his or her participation in an effort to form a union.  If somebody believes that they have, they should be sure to present this to the union as an issue for discussion with the university.

The compensation that was offered to dependent faculty was not a reduction in the compensation previously offered to employees in the independent consultant relationship.  No compensation was reduced, let alone drastically.  Compensation was redistributed among benefits and take-home pay, in strict compliance with the law.  Indeed, NYU absorbed some of the additional costs associated with the benefits faculty now receive so that the impact on take-home pay was lessened.

You refer to “media coverage” of recent events on campus raising questions about our commitment to academic freedom and shared faculty governance in academic decision-making.  I do not know to what this refers so I will answer generally.  The academic program of this site is administered by a committee of faculty members, known as the Academic Advisory Committee, along with a representative of the Office of Global Programs and a visiting faculty member from the home campus.  The Office of Global Programs coordinates regular meetings and consultations with representatives of those departments and schools that have courses offered at our site.  All academic decisions are made within the context of this collaborative structure.

Finally, with respect to the cited standards set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, as already specified, all of the standards are met:  the terms and conditions of employment are specified in contracts described above in strict compliance with the requirements of Italian law, which governs our employment relationships; faculty members have the right to unionize and they have exercised that right; faculty members can grieve a breach of the terms of employment, including those pertaining to notice and termination,  either through the union or through remedies provided by law.

Sincerely,

Ellyn Toscano

Executive Director

New York University Florence