MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF MARCH 2, 2017

The New York University Continuing Contract Faculty Senators Council (C-FSC) met at noon on Thursday, March 2, 2017 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Carl, Celik, Ferguson, Halpin, Howard-Spink, Jahangiri, Killilea, Mooney, Morton, Paiz, Sacks, Slater, Steeves, Stehlik, Stewart, Watkins, White, Williams, and Youngerman; Alternate Senators Bednarz, Bianco, Cohen, Depaola-Cefola, Lee, Mirabito, Renzi, Ritter, Sahin (for Borowiec), Smith.

APPROVAL OF THE AGENDA

Upon a motion duly made and seconded, the meeting agenda was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING HELD FEBRUARY 2, 2017

Upon a motion duly made and seconded, the minutes of the February 2, 2017 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: FRED CARL

See attached Document A: C-FSC Chair Update

Discussion/Questions on Chair’s Report

Spring Retreat/Strategy Session

Chairperson Carl reported on the idea to book an end of the semester spring 2017 retreat/strategy session. The Council agreed by general consensus to host a spring retreat. A poll will be sent with possible dates. The Council also agreed that newly elected Senators and Alternates will be invited.

A Senator asked about the end of terms and the election of Faculty Senators. It was suggested Senators encourage their Schools to host elections by the Council’s final meeting on April 25. At that meeting, the Steering Committee member election will take place.

Sanctuary Campus Information

Vice Chairperson Killilea discussed the Sanctuary Campus Information she compiled for the Chair’s report. See the attached Chair’s report.

The Chair’s Report was accepted into the minutes.

COMMITTEE REPORTS

See attached Document B: Committee Reports
**Discussion/Questions on the following submitted reports:**

**Finance and Policy Planning: Susan Stehlik**

Senator Stehlik stated the Committee discussed issues related to the annual merit increase and its lack for addressing merit, compression issues, and equity. The Committee asked for data on the number of faculty members making less than $60,000/year. They collected data on New York high school teachers, which showed for teachers with a master’s degree and 20 years of service the average salary is $108,000/year.

The Committee is thinking of developing two proposals that address annual merit, compression issues, equity issues, as well as professional development. It was noted there is a separate process within the University to address equity.

The Committee will plan to circulate their proposal for a Council vote via email before the next meeting, in order to meet the deadlines set by the Financial Affairs Committee.

**Faculty Benefits and Housing: Vince Renzi**

A Senator inquired on the status of plans to assist faculty members with down payments, mortgage assistance, etc.

Alternate Senator Renzi noted this issue is being examined by the President and Provost. Chairperson Carl added the Steering Committee has framed these questions around recruitment, retention, and teaching excellence.

A Senator commented on the higher course load for continuing contract faculty members and involvement in student life, which causes the need to be close to campus. A Senator noted in Stern’s faculty activity reports, faculty list the number of hours spent interacting with students. She suggested it would be helpful for other schools to gather this data.

A Steering Committee member noted the SC discussed housing for C-faculty with the President. It was noted the statement that C-faculty are not eligible for housing is not consistent with actual practice. It is at the discretion of the Deans and is a recruitment issue. It was also noted that housing could be thought of as a transitional option as new recruits get settled in NYC, rather than always a long-term permanent housing.

Senators discussed the issue of apartments remaining vacant until they are used for recruitment purposes.

A Senator inquired on the history of Stuyvesant Village. It was noted many faculty live there, but the University does not own apartments in this complex. However the University, in some situations, may subsidize rent.

The Steering Committee will develop a draft of questions and will invite the appropriate administrators to answer these questions.

Renzi discussed the upcoming Benefits Committee meetings with representatives from CVS Caremark and United Healthcare. The Committee also recently met with TIAA-CREF and Vanguard, who provided presentations on their services for the University to decide with record keeper to choose.

The Committee will develop a detailed report on the outcome of these meetings.

**Reports at Meeting:**

**Administration and Technology**
Senator Steeves reported the Committee is continuing work on the Social Media Policy.

**Diversity, Equity and Inclusion**

The consulting firm Rankin and Associates is on campus and will be hosting 22 focus groups. A final report is on track to be presented at the last University Senate meeting.

Senator Watkins announced that the Dean of the College of Global Public Health mandated that all faculty serving on admissions and hiring and search committees at the College of Global Public Health participate in the Diversity, Equity, and Inclusion training.

**Faculty Advisory Committee on Academic Priorities: Susan Stehlik**

Senator Stehlik stated the Provost reported one major focus is on the retention of first year students.

**Faculty Committee on NYU’s Global Network: Sam Howard-Spink**

The Committee is concerned regarding the difficulties of mobility in light of the travel ban. They discussed setting up a point of contact for anyone detained at the airport or port of entry to reach out to.

**Governance: Ezra Sacks**

Senator Sacks reported the T-FSC Governance Committee is interested in producing a survey regarding shared governance at the Schools. The C-FSC Committee will discuss their shared governance survey with the T-FSC and decide whether to partner with them on this survey.

**Senate Ad Hoc Committee on Sexual Misconduct: Susan Stehlik**

Senator Stehlik reported the Committee is examining whether there should be mandatory training for faculty, as students are required to complete.

**Undergraduate Academic Affairs: Ethan Youngerman**

Senator Youngerman reported the Committee is asking schools to consider eliminating blankets bans on the transfer of credit from any online course either taken at other schools or other NYU schools. Schools could still create their system of accepting or rejecting online courses, but it removes a school rejection of all online courses, in all situations. This relates to affordability issues.

**University Security Advisory Committee**

The Committee is pursuing a risk assessment of buildings on campus. There will be additional Active Shooter trainings.

A Senator suggested the training days/times be staggered to accommodate various teaching schedules. It was noted there will be additional trainings in April.

**Affordability Steering Committee: Susan Stehlik**

A Senator reported the bookstore can partner with major publishers and set-up inclusive access which greatly reduces the price of textbooks. He stated a textbook hardcover retailing for over $300, can be purchased as an eBook through the bookstore for $102.

The reports were accepted into the minutes.

**NEW BUSINESS**
Academic Calendar

Senator Stewart presented the draft of the Academic Calendar for fall 2020. The current issue with the schedule is there are no Monday class times until the third week of the semester. The suggestion is to have the legislative Monday on the second Wednesday of the semester. The Senate Academic Affairs Committee will be discussing this at the meeting next week.

PERSONNEL POLICIES AND CONTRACT ISSUES: BRIAN MOONEY

Discussion and vote on NYU Shanghai Policy

See attached Document C: Shanghai Policy

Senator Mooney explained the Committee’s recommendations are separated into the categories of major substantive recommendations, minor substantive recommendations, and editorial recommendations.

A Senator pointed out a few typos in the recommendations.

Mooney reported the T-FSC approved their recommendations. He stated some differences included whether reappointment committees are appointed or elected by the dean and the rights to access the report of the reappointment committee in the event a faculty member is denied reappointment and whether that access included the entire report or whether any confidential information would be redacted.

The recommendations were approved by vote of the Council.

Discussion of transparency in publication of finalized Continuing Contract Faculty School Policies

Chairperson Carl reported that once C-Faculty appointment policies are finalized, they will be posted under the Provost’s academic policies and procedures page. This will include links to the policies of CUSP, Gallatin, ISAW, Liberal Studies, Stern, and Tisch. Additional school policies will be posted as the process of formulating and finalizing them are completed.

A Senator discussed the posting of the Provost’s response to the Council’s recommendations. She suggested that the C-FSC recommendation, Provost’s response, and final policy be posted together on the C-FSC website.

A Steering Committee member noted a link to the Provost’s site with all finalized policies will be posted on the C-FSC website. The final policy does not need to be reposted.

A Senator inquired on the status of the School of Dentistry policy. Chairperson Carl will contact the Provost’s office to check-in on the status and confirm the process for review.

A Senator stated the Provost’s response regarding the Stern policy stated the full acceptance of certain recommendations, but on further analysis the full recommendation was not incorporated in certain cases. These oversights will be forwarded to the Steering Committee to bring to the attention of the Provost.

COMMUNICATIONS: VICKY STEEVES

Presentation of draft idea for newsletter

Senator Steeves presented the Communications Committee’s draft of the online newsletter. The idea is to have short blurbs and engaging graphics rather than long lists of text. The Committee chose to use Benchmark as the newsletter software as opposed to software such as Mail Chimp because it offers more freedom with the
analytics. It also allows a variety of layouts. The Committee suggests a Chair’s letter in every newsletter. They also recommend putting in a history of the Council including the history of the planning committee, key decision making with a timeline, etc. The plan is to distribute the newsletter to all C-faculty and send once per month.

Senator discussed sending to all faculty, including tenured/tenure track faculty, or only C-faculty.

Senators discussed the Current Issues page on the website, which lists approved recommendations and resolutions. Senators suggested including more agenda items and current concerns. It was suggested Committee Chairs send text on their current agendas.

Senators suggested sending the newsletter twice per semester. Others suggested once a semester or quarterly. It was suggested frequency is determined by content.

Senators discussed the idea of an interactive blog. A Senator mentioned concerns with the amount of labor of administering and monitoring a blog, especially if it’s open content and open availability.

A Senator mentioned this is the end of the third year of the Council and is an opportunity to demonstrate what the Council has accomplished in its first 3 year term.

A Senator suggested adding a way for subscribers to contact the Council.

The Communications Committee suggested hiring a student designer to assist with the newsletter.

It was suggested that Council members send any further comments to the Communications Committee and they can provide a draft to be voted on at the March 28 meeting.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
C-FSC—Chair’s Report
Chairperson Fred Carl

Report as of February 27, 2017

1. C-FSC Senator and Alternate Senator Elections

As we are all aware, the terms of service for approximately 1/3 of the C-FSC Senators and their Alternates are ending. Filling these seats will require School elections. (I am aware that some schools have already held elections.) If your School will be holding elections for seats, and if you will not be running for reelection, please be aware of folks who you can encourage to run for election.

The elections for next year’s Steering Committee will take place at our final C-FSC meeting on April 25, 2017.

2. Spring Retreat/Strategy Session

We are planning to book a day or half-day soon after the end of the semester for our Spring 2017 Retreat/Strategy Session. This will be a good opportunity to review what we have accomplished, what work is still continuing and where the Council would like to focus its energies next year. I will asking Karyn to send out of Poll to determine what day works for the most people. One thought was to invite any newly elected Senators and Alternates, as well as those members they will be replacing.

3. Sanctuary Campus Information

(Thanks to Vice-Chair Mary Killilea for putting this together.)

Sanctuary Campus Information

This document compares the description of what it means for NYU to be a sanctuary campus provided by NYU Sanctuary (https://medium.com/@nyusanctuary/establishing-a-sanctuary-campus-at-nyu-an-explainer-3182592f9a68#.1xf36wx4) with NYU’s current policies as described in President Hamilton’s November 29th letter (https://www.nyu.edu/content/dam/nyu/president/documents/11.29.16-letter-from-andrew-hamilton.pdf) and additional information provided by Josh Taylor, Associate Vice Chancellor, Global Programs. The NYU Sanctuary bullet points are bolded and the corresponding statements from President Hamilton or Josh Taylor are in italics with direct quotes from President Hamilton’s letter in quotes.
• Not to voluntarily share any information with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or other federal agencies to the fullest extent possible under the law;

“NYU does not allow any federal agency to enter NYU buildings without permission or legal process (e.g. a search warrant from a court or a subpoena). Such permission is not given for targeting undocumented members of our community or for gathering information on them. The same standard applies to requests for information that is in NYU’s possession.”

• Not to allow ICE physical access to any buildings or land owned or controlled by the university to the fullest extent possible under the law;

“NYU does not allow any federal agency to enter NYU buildings without permission or legal process (e.g. a search warrant from a court or a subpoena). Such permission is not given for targeting undocumented members of our community or for gathering information on them. The same standard applies to requests for information that is in NYU’s possession.”

• To train campus security staff to respond to federal agents seeking access; and instruct security staff to refuse to participate in the actions of any agency that deals with immigration regulation;

Our current protocols are that any law enforcement officers seeking access to campus locations are redirected to the Office of General Counsel (regardless of whether or not they have a warrant). OGC then helps to determine if the warrant is valid, etc.

[NB: Clearly if a law enforcement officer still insisted on entering the building, our officers would be unable to stop them, though they would immediately inform the Office of General Counsel of the incident.]

This policy will be reinforced in an upcoming policy memorandum to all officers, and will be incorporated in upcoming training sessions.

• To prohibit campus security from inquiring about or recording any information regarding an individual’s immigration status;

“NYU’s public safety officers do not inquire as to an individual’s immigration status. To the extent that public safety officers discover any information on immigration status, they do not and will not voluntarily convey such information status to any governmental entity. They are not sworn peace officers and would not be participating in any enforcement activities with federal immigration authorities. In New York City, NYU relies heavily on the NYPD, which, under the “sanctuary city” policy, does not alert federal immigration authorities about the immigration status of undocumented individuals except in very specific
circumstances, such as in response to a judicial warrant for an individual wanted for a violent or serious felony."

- To prohibit all housing discrimination based on immigration status or religious affiliation, and provide emergency housing for noncitizen students who cannot go home during academic breaks;

“As stated in our Non-Discrimination and Anti-Harassment Policy for Students, NYU prohibits discrimination based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status. These protections extend to all members of the community – including those who are undocumented – as well as to the academic, residential, and working environments.”

The University is committed to doing everything it can to ensure our students are safe and secure. While it is too soon to know what laws will be in effect come May, we are working to identify solutions – including housing alternatives -- for students who may be affected by the ban, and as a result are unable to return home during academic breaks.

- To provide access to competent and expanded legal support for noncitizen, Muslim, and LGBTQ students and staff, those with undocumented family members, and others rendered vulnerable by federal, state, or city orders that contravene the University’s commitment to diversity, freedom, and equality;

“NYU will be posting guidance to help immigrant and undocumented members of our community navigate the evolving situation with regard to national policy on immigration. Those who need immediate legal assistance can start by approaching the NYU Immigrant Rights Clinic through Professor Alina Das at alina.das@nyu.edu, who has graciously offered assistance and guidance through the clinic.”

- To expand access to financial aid for noncitizen students, especially those who might be affected by a repeal or change in DACA;

“University financial assistance to non-citizens (documented and undocumented) is independent of federal financial aid programs and will continue regardless of changes in national policy. We will continuously evaluate the situation of our students to ensure that we are maximizing benefits within our financial constraints.”

- To commit ongoing resources to create and sustain on-campus working groups to assess and address the evolving needs of undocumented
students and staff, students and staff of color, students and staff with disabilities, LGBTQ students and staff, and otherwise marginalized students and staff.

The University is committed to providing ongoing resources for these purposes, and we also look forward to receiving any related recommendations from the Task Force on Equity, Diversity and Inclusion to address in its April report to the Senate. Additionally, these will be areas of focus for our new Chief Diversity Officer, once they are in place.

- To distance the University’s investments from anti-immigrant measures by divesting from companies or funds that stand to profit from these measures, such as private prisons.

As the University’s Board of Trustees has previously stated (in relation to the question of fossil fuel divestment):

[The endowment’s] prime purpose is to support the University’s academic and research missions; as NYU’s fiduciaries, the prudent investment of the endowment is among the Board’s weightiest duties. Particularly given NYU’s low per-student endowment, any consideration that would depart from that prime purpose should be subject to a very high bar of scrutiny. We applaud the efforts of faculty, students, and staff to advocate for addressing climate change and in proposing divestment, but do not support NYU using its endowment as a tool for simply making statements.

4. NYU’s Actions in Response to the January 27th Executive Order and Questions Regarding the February 13 Filing of Amici Briefs Joined by 17 Universities

(Again thanks to Mary Killilea for compiling this. This was presented at the February 16, 2017, Senate meeting by Lynne Brown, Senior Vice President for University Relations and Public Affairs.)

Description of Additional Actions Being Taken by NYU as Described at the February 16, 2017 University Senate Meeting

Our Office of Global Services, along with NYU Law’s Immigrant Rights Clinic, have been extremely busy working to secure entry to the United States for members of the NYU community.

- We were in contact with students and scholars from the seven countries within 24 hours of the Executive Order.
- We were also in touch with the broader international student and scholar communities within days.
- We have also been in touch with all of our international administrative staff (i.e., NY employees who are not nationals).
We have had several students and scholars directly affected by the Executive Order, and all who were scheduled to be here this semester have been able to do so (even before the court decisions that resulted in a nationwide stay of the Order).

We have signed on to – or been represented in – a number of letters, and actions – to government officials expressing our significant concerns re: the January 27th Executive Order affecting entry to the US from seven Muslim-majority countries.

- Letter from 48 top-tier universities, including NYU, Ivies, UC schools, Vanderbilt, Duke, etc.) (signatory)
- Letter signed by members of the Association of American Universities, American Council on Education, and Association of Public and Land Grant Universities (signatory – more than 600 in total)
- Letter from American Association for the Advancement of Science (signatory)
- In addition, though the status of the EO is currently up in the air, the AAU is preparing to file an Amicus Brief.

- Excerpt from 48 university letter:

  The order specifically prevents talented, law-abiding students and scholars from the affected regions from reaching our campuses. American higher education has benefited tremendously from this country’s long history of embracing immigrants from around the world. Their innovations and scholarship have enhanced American learning, added to our prosperity, and enriched our culture. Many who have returned to their own countries have taken with them the values that are the lifeblood of our democracy. America’s educational, scientific, economic, and artistic leadership depends upon our continued ability to attract the extraordinary people who for many generations have come to this country in search of freedom and a better life.

  This action unfairly targets seven predominantly Muslim countries in a manner inconsistent with America’s best principles and greatest traditions. We welcome outstanding Muslim students and scholars from the United States and abroad, including the many who come from the seven affected countries. Their vibrant contributions to our institutions and our country exemplify the value of the religious diversity that has been a hallmark of American freedom since this country’s founding. The American dream depends on continued fidelity to that value.

NYU is working on its own amicus brief to the case filed by the NYS Attorney General in the Eastern District of NY opposing the
immigration order as well as exploring the possibility of an affidavit to be used in the AG’s future filings. There were some questions regarding why we didn’t sign on to last week’s Amicus that we believe was initiated by the Ivies. Sadly, there’s an easy answer. We weren’t asked, and we didn’t know about it, but we absolutely would have had we been invited to do so. It’s also worth noting that the AAU has filed an amicus brief on behalf of its membership. NYU and Andy Hamilton are featured prominently in the brief.

5. Recommendations to the NYU Shanghai Guidelines for Continuing Contract Faculty Appointment, Reappointment and Promotion

Our Personnel Policies and Contract Issues has completed its recommendations to the Shanghai policy (included in this binder). We will be voting on the committee’s recommendations at the March 2, 2017 C-FSC meeting.

6. C-FSC Meeting Participation

As always, the Steering Committee strongly urges all C-FSC members, Senators and Alternate Senators, to attend and participate in C-FSC meetings and committees. Our Rules of Procedure stipulate that only Senators may vote on any action items (Alternate Senators vote when their corresponding Senator is unable to attend). It should be kept in mind that votes on Action Items comprise a relatively small part of our meetings. The bulk of our meetings consist of in-depth discussions of items of importance to continuing contract faculty by all members of the C-FSC, Senators and Alternate Senators included, and all committees and discussions rely on participation by the full Council.

7. Craig Jolley Invited to Address C-FSC at March 28, 2017 Meeting

At the suggestion of Ethan Youngerman, we have invited Craig Jolley, Director, Student Conduct and Community Standards, to speak to the C-FSC at our March 28, 2017 meeting to discuss the updating of university-wide student conduct policies.

Thank you!
Committee on Faculty Benefits and Housing

(1) Update on Meetings with Benefits Providers: The committee has arranged to meet jointly with its AMC and T-FSC counterparts to hear from representatives from United Health Care (March 21, 2017), and CVS/Caremark (April 11th).

(2) Update on Retirement Single Recordkeeper Initiative: On February 1st, the chairs of the C-FSC, T-FSC, and AMC Benefits Committees joined the meeting of the University Retirement Committee to hear presentations by the finalists in the selection process for a single retirement benefits recordkeeper. The finalist are Vanguard and TIAA. The Retirement Committee expect to make a decision soon. Once the finalist is selected, the three committees plan a joint meeting with representatives from the firm.

Respectfully submitted,

Vincent Renzi,
chair
Committee Charge: studies faculty salaries, working conditions, negotiation processes; examines long-range issues; addresses other relevant financial matters

Members: Dr. Leila Jahangiri, Tommy Lee, Jon Ritter, Tommy Lee, Jamie Skye Bianco, Susan Stehlik, Chair

Report from the Finance and Policy Planning Committee – March 2, 2017

Our committee is in process of preparing a proposal for the Annual Merit Increase budget. These proposals are usually pegged to the inflation rate. Given the low inflation rate and reports from our faculty of continuing compression and equity issues, our committee feels a larger than inflation indexed increase is necessary.

We also want to make a stronger request for Professional Development Funds.

We have requested salary and benefit information from several sources to get a better contextual feel for the ranges of salaries by title and school. We have also asked for budget items related to benefits, housing, fringe benefits and post retirement benefits.

Our concerns are the following:

- The number of faculty at the low end of the salary range, specifically those earning less than $60,000
- The lack of meaningful rationale for an Annual Merit Increase which does not detail merit, except at the discretion of the Deans
- The need to adjust salaries in areas of compression and inequity and the inadequacy of an annual merit increase to address those issues
- A Professional Development Fund that needs better distribution and transparency by establishing a separate budget line item.

A request to extend our deadline for submission has been sent to Anthony Jiga.
A request to meet with Sabrina Ellis, VP of Human Resources has been sent.

Addendum to Finance Committee Report: March 2017

Comparative Sources for base salaries in our community reported by Tommy Lee

NYC teacher salary schedule, [http://schools.nyc.gov/nr/rdonlyres/eddb658c-be7f-4314-85c0-03f5a00b8a0b/0/salary.pdf](http://schools.nyc.gov/nr/rdonlyres/eddb658c-be7f-4314-85c0-03f5a00b8a0b/0/salary.pdf)

Which is similar to PSC CUNY schedule CURRENT

[http://www.psc-cuny.org/sites/default/files/Full-TimeFaculty.pdf](http://www.psc-cuny.org/sites/default/files/Full-TimeFaculty.pdf)

Which is similar to SUNY schedule 2015 DATA


NYU FAS report found on the web 2010 DATA

[http://as.nyu.edu/docs/IO/13742/2010EquityStudy.pdf](http://as.nyu.edu/docs/IO/13742/2010EquityStudy.pdf) PAGE13
From PayScale.com **ADMIN pay, states that most CFSC faculty is equivalent to an admin.**

http://www.payscale.com/research/US/Employer=New_York_University_(NYU)/Salary

From NYUlocal.com

https://nyulocal.com/nyu-professors-average-salary-ranks-7-among-private-universities-16ecdaa6544f#.bbxf5f6e4

FAS equity study which shows language lecturers making less than beginning NYC teachers.

http://as.nyu.edu/object/as.ir.facultyequity
SCOG held its last meeting on February 3, 2017. The committee is breaking up into three (3) work groups to look at the following:

1) General Senate Functioning Recommendations (includes written committee reports, reporting from "other" committees [e.g., provost committees], procedures for approval of policies at the Senate level);
2) Board of Trustee Recommendations (includes ideas for how to engage and have a better working relationship [transparency] between the BoT and the Senate); and
3) Communication Recommendations (includes website review, working with website folks for future changes, adding Deans Council page, reviewing/updating links, etc.).

Larry Slater is heading the work group on General Senate Functioning Recommendations and Vince Renzi is heading the work group on the Board of Trustee Recommendations.

In addition, individual councils are to continue to review and forward recommended changes for University Bylaws Sections 65-69, in individual council functions. As the T-FSC and C-FSC have similar wording, SCOG members from both committees will try to work together on any proposed changes.

The next SCOG meeting will be on March 24, 2017.
The Undergraduate Program Committee met on February 14, 2017. No new programs had been submitted, but the committee discussed ongoing issues (e.g., a new UPC proposal form and guidelines for proposals, updates on proposals already reviewed, and whether and how to review proposals for online versions of existing degree programs). The next meeting is scheduled for March 28, 2017.

Respectfully submitted by John Halpin
Report of Representatives to the Senate Ad Hoc Committee on Work-Life Issues

The committee met on February 14, 2017. Present for the C-FSC were Vincent Renzi and Tommy Lee (by telephone). The group finalized language for the upcoming survey, which will now be conducted with support from the Provost’s Office, and which is planned for later this term. As a part of the revision, questions about disability issues were removed from the survey, as a separate study is now planned exclusively focused on assessing the campus climate on disability concerns.

Senators and alternates are encouraged to pass to the council’s representatives on the committee any thoughts or recommendation they or their constituents may have on these issues.

Respectfully submitted,

Vincent Renzi
Report of Representatives to the Ad Hoc Committee on Tuition Remission and Portable Tuition Benefits

The committee met on February 16, 2017. Present for the C-FSC was Vincent Renzi.

The committee reviewed preliminary results of the recent survey. Regarding tuition benefits for dependents, respondents reported that the primary reasons their children do not make use of the NYU dependent tuition benefit is because other institutions have programs that better suit their children’s academic plans, or that their children, having grown up here, want to go away to college.

At its next meeting, the committee will review complete results from the survey and work on its report. Recommendations are likely to include a statement of purpose for tuition benefits, results of the survey and comparison with policies at other institutions, and a recommendation that the committee’s charge be extended through next year in order that the group can explore a possible increase of portable dependent tuition benefits.

Senators and alternates are encouraged to pass to the council’s representatives on the committee any thoughts or recommendation they or their constituents may have on these issues. In this regard, note that the FAS C-FSC is scheduling a town hall meeting for March 3rd to hear concerns especially regarding employee tuition benefits for faculty.

Respectfully submitted,

Vincent Renzi
Report of the C-FSC Personnel Policies and Contract Issues Committee

February 27, 2017

Brian Mooney (Chair), Heidi White, John Halpin, Lu Zhang

The Committee completed its review of the Shanghai policy and is presenting its recommendations to the C-FSC for its approval at our March 2 meeting.

None of the policies that have been finalized by the Provost have been posted on the Provost's web page, which is the norm for tenure review policies. The Committee is concerned with how best to achieve transparency in the publication of appointment, reappointment and promotion policies for continuing contract faculty.

Respectfully submitted,

Brian Mooney
FROM: Susan Stehlik, Stern Senator
DATE: March 2, 2017

Report from Wasserman was presented on retention issues of first year students. A major focus on how to identify problems and support our students who drop out. Issues as usual are very different in each of the schools.

Provost is interested in work life balance issues as a personal priority and would like to see a major Art Center on campus.
FROM: Susan Stehlik, Stern Senator
DATE: March 2, 2017

Campus Survey was completed, reported to the Senate and distributed to everyone. Major focus is on the LGBTQ community. Results can be found here: http://www.nyu.edu/life/safety-health-wellness/sexual-respect/2016-campus-climate-survey.html

Major questions are on training of students, faculty, employees and third party vendors.

- What to include in the training?
- Should it be mandatory? (It is required of students; why not faculty?)
- Do faculty know their responsibility and liability?
- What is the best venue for training?

Agreed to change the questioning on any health intake to include the question “Do you feel safe at home?” The idea is to set up an early warning system for intervention.

The Chair Gabby is leaving NYU to head up Committee will most likely be on-going and the feeling is it needs a faculty Chair.
FROM: Susan Stehlik, Stern Senator
DATE: March 2, 2017

Many small initiatives are starting to pay off, particularly reduction in required textbooks, transportation, meal costs. Most updates can be found on this site: https://medium.com/nyu-affordability/more-progress-on-affordability-at-nyu-168f4f21ac3#.gywj0jgqt

I encourage you to read the results of a mobility study by David Stasavage, Julius Silver Professor of Politics and a member of the Affordability Steering Committee who analyzed the data, which you can find here.

Focus continues to be on reducing the time to degree and raising money for scholarships.
Recommendations of the C-FSC in regard to:
Policy for the Review, Reappointment, and Promotion of
NYU Shanghai Continuing Contract Faculty

Background

The Provost of NYU Shanghai, Joanna Waley-Cohen, forwarded to the (former) NYU Provost, David W. McLaughlin, the NYU Shanghai Guidelines on the Full-Time Continguing Contract Faculty Review Process for Reappointment and Promotion. That document had the approval of NYU Shanghai leadership (Provost Waley-Cohen, Vice Chancellor Jeff Lehman) as well as the NYU Shanghai C-Faculty, who approved a substantially similar version in May 2016. It was stated that the document was drafted in formal and informal consultations with the C-faculty, including an October 2015 open meeting for all C-Faculty, and ongoing meetings and dialogue with a C-Faculty committee established for this purpose.

As is the case with such policies, NYU Shanghai worked with the Office of General Counsel and the NYU Provost's office to edit the document to ensure consistency with University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments, issued June 12, 2014, revised July 1, 2016. As part of the process of finalizing the policy, Provost McLaughlin invited the T-FSC and the C-FSC to provide comments from a University-wide perspective.

With respect to NYU Shanghai, these additional considerations are relevant: While the University Guidelines do not apply to NYU Shanghai, this document appropriately embraces the spirit and values reflected therein. Where the NYU Shanghai Guidelines take a different approach from the NYU Guidelines, it is to address the specific challenges that NYU Shanghai faces as a start-up organization in its initial years of operation to attract and retain top contract faculty. (Letter of August 29, 2016 from David McLaughlin to C-FSC and T-FSC Chairs)

The following document will enumerate various questions, comments and recommendations to the submitted Policy.

Major Substantive Recommendations

• Add a description of the faculty voting process for the approval of this document. If such a vote did not take place, we recommend the return of this document to NYU Shanghai for such a vote, with the possibility of making amendments. This is in keeping with The New York University Guidelines for Full-Time Continuing Contract Faculty, page 1, Formulation of School Policies, paragraph 2, sentence 1, which states that:

“In response to these guidelines and as appropriate thereafter, schools shall formulate or amend their policies in accordance with existing school governance
processes and with the expectation that FTCCF shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit."

Clarify specifically and explicitly the process of consultation with the Continuing Contract faculty.

We strongly recommend that any development of this policy follow the letter and the spirit contained in the above quote from the New York University Guidelines for Full-Time Continuing Contract Faculty, allowing the Continuing Contract faculty, acting, according to the school’s governance structure (e.g., its Faculty Assembly or similar body, faculty meeting, etc.) an active, essential and meaningful role in forming and approving any new policy, which policy must necessarily include the grievance/appeal process.

Mechanisms for timely distribution to the faculty, faculty discussion, as well as the ability for faculty to present amendments, make recommendations to and vote on the Policy in a regularly scheduled faculty meeting following procedures outlined in the school’s governance structure, should be included and stated explicitly.

- Page 2, 1. Introduction, paragraph 3, sentence 4: Voting rights at NYU Shanghai are extended to Continuing Contract Faculty in accordance with the guiding principles and policies of the NYU Shanghai Faculty Council and the New York University Bylaws.

**Recommendation**

Describe the composition of this Council, and provide information concerning where its policies may be found (perhaps as a footnote). If Continuing Contract Faculty are not part of this Council, then we recommend that they be included. This is in keeping with the University Guidelines, page 3, *Titles and Terms of Employment, Participation in School Governance*, paragraph 2, which states that:

"Schools are expected to permit Continuing Contract Faculty to be represented within their respective school governance bodies, and to include Continuing Contract Faculty on appropriate committees, except for those involving tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty."

- Page 2, 1. Introduction, paragraph 4, sentence 3: “Continuing Contract Faculty may be represented on NYU Shanghai governance bodies and included on appropriate committees, ..."

**Recommendation**

Clarify - does "be represented" constitute elected clinical faculty membership within these committees, and if so, will the representative have full voting rights? If
Continuing Contract Faculty are not members of these committees, then we recommend that they be included. This is in keeping with the University Guidelines, page 3, *Titles and Terms of Employment, Participation in School Governance*, paragraph 2, which states that:

"Schools are expected to permit Continuing Contract Faculty to be represented within their respective school governance bodies, and to include Continuing Contract Faculty on appropriate committees, except for those involving tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty."

- Page 2, 1. Introduction, paragraph 5, sentence 5: "In cases where the incumbent is not selected for the tenure track position, ...:

  **Recommendation**
  Add that if the search committee does not select the faculty member for the tenure track position that the decision must be justified and the reasoning revealed to the candidate.

- Page 3, 1. Introduction, paragraph 6, sentence 1: Any amendment to these Guidelines must be in writing and must be approved by the Provost of NYU Shanghai, who will consult with the NYU Shanghai Faculty Council, and the Provost of NYU.

  **Recommendation**
  Add a mechanism for timely distribution of any amendments to the Policy to the Shanghai faculty, including Continuing Contract Faculty, and that allows for faculty discussion, as well as the ability for faculty to present amendments, make recommendations to and vote on the Policy in a regularly scheduled faculty meeting following procedures outlined in the school’s governance structure.

- Page 3, 2. Review Principles, paragraph 3, sentence 2: "... formal assessments of teaching effectiveness (e.g. class observation), and student evaluation; ..."

  **Recommendation**
  Add other reasonable instruments of assessment. For example, the following factors might be considered: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, etc.

- Page 3, 2. Review Principles, paragraph 4, sentence 1: "Continuing Contract Faculty are expected to be fully engaged at NYU Shanghai to help build and strengthen the school, and ..."
Recommendation
Given that the phrase "to be fully engaged at NYU Shanghai" is subjective, the phrase should be removed from the Guidelines.

- Page 3, 2. Review Principles, paragraph 5:
Continuing Contract Faculty are welcomed to contribute to NYU Shanghai’s overall research portfolio and professionalism through research projects in their field, professional development, publications, conference attendance, and related activities. While scholarship and practice in the arts or professional fields are highly valued, these are not required for reappointment or promotion, except as set forth in the faculty member's employment contract.

Recommendation
Given that scholarly and/or creative activity is welcomed and encouraged for reappointment and promotion, professional development funds and research leave or sabbatical should be provided to further support professional, scholarly, or creative work. A description of that eligibility, and the process governing it, should be added. Given that scholarly work is not required (unless specified as such in the individual's contract), professional development funds that support that faculty member’s continued growth in teaching their field should be provided.

- Page 3, 2. Review Principles, paragraph 6, sentence 2:
In certain limited circumstances, including but not limited to, at the faculty member's request or to address a specific academic need, Continuing Contract Faculty may be appointed for a period of one or two years.

Recommendation
Add "If a one-year contract is adopted, the Dean will provide a justification, similar to the hiring plan submitted annually to the NYU Provost, based on programmatic and academic considerations, to the faculty through the formal governance structure established at the school (the NYU Shanghai Faculty Council)."

- Page 3, 2. Review Principles, paragraph 6, sentence 3:
Continuing Contract Faculty may be reappointed and, in the event they are, the reappointment will be governed by a new contract the length of which is to be determined by the relevant NYU Shanghai Dean or Program Director following consultation with the Provost of NYU Shanghai.

Recommendation
To prevent the establishment of a permanent group of continuing contract faculty on one-year appointments, add language allowing for a transition to an appointment of at least three years for faculty on one-year appointments who successfully complete a formal review, such as:
“Faculty members on continuous one-year appointments who successfully complete their formal review shall normally move to at least a three-year appointment.”
• Page 3, 2. Review Principles, paragraph 6, sentence 3:
Continuing Contract Faculty may be reappointed and, in the event they are, the reappointment will be governed by a new contract the length of which is to be determined by the relevant NYU Shanghai Dean or Program Director following consultation with the Provost of NYU Shanghai.

**Recommendation**
Introduce a policy to determine the contract length for an initial appointment at a given rank and for reappointment upon promotion, rather than ad hoc decisions by the Dean or Director. Also add statements concerning the constancy of contract duration, such as:

"When promoted to a three-year contract (Assistant Clinical Professors, subsequent appointments shall normally be for at least three years.

When promoted to a five-year contract (Associate and (Full) Clinical Professors), subsequent appointments shall normally be for at least five years."

• Page 4, 2. Review Principles, paragraph 10:
These Guidelines are intended to ensure the distinct excellence of NYU Shanghai’s educational programs. A faculty member’s eligibility to be considered for reappointment does not create a presumption in favor of reappointment, even if the faculty member has met or exceeded the expectations set out in the contract. Should NYU Shanghai elect to conduct a search for a new position, the faculty member in question may apply as a candidate in the new search. That faculty member may also request a review for purposes of career development, and such review will be conducted within a time framework agreed upon by the faculty member and the relevant NYU Shanghai Dean or Program Director.

**Recommendation**
Arbitrary replacement of a faculty member who has "met or exceeded the expectations set out in the contract" is not in keeping with the spirit of the University Guidelines. Those guidelines specify only that "... the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs." We recommend the removal of the paragraph in question because it violates the spirit of the University Guidelines and will decrease the stability of the affected programs.

• Page 5, 2. Review Principles, paragraph 12, sentence 2:
In addition, NYU Shanghai may carry out formal performance assessments from time to time in the course of multi-year appointments that are longer than three years.

**Recommendation**
We recommend the removal of this sentence. The University Guidelines provide for performance assessments when appropriate. Arbitrary assessments violate the spirit of those Guidelines. No other school policy document reviewed by this committee has had such a provision.

- Page 5, 3. Review Process for Reappointment, paragraph 2, subparagraph iii: Demonstration of teaching effectiveness (e.g., faculty course evaluations, peer observations of teaching, formal assessments of teaching effectiveness, syllabi or URL, and other relevant documents).

**Recommendation**
We recommend the more complete list: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, etc.

- Page 5, 3. Review Process for Reappointment, paragraph 3, subparagraph i: The relevant NYU Shanghai Dean, in consultation with the Program Director (when applicable), appoints an ad-hoc faculty review committee (FRC), which consists of three or five faculty members from the ranks of both the tenured and contract faculty.

**Recommendation**
We recommend that the committee should be made up of elected, not appointed, members; additionally, the majority of committee should be made up of Continuing Contract faculty members.

- Page 5, 3. Review Process for Reappointment, paragraph 3, subparagraph i: "The relevant NYU Shanghai Dean, in consultation with the Program Director (when applicable), appoints an ad-hoc faculty review committee (FRC), ...".

**Recommendation**
We recommend that the committee should be made up of elected, not appointed, members.

- Page 5, 3. Review Process for Reappointment, paragraph 3, subparagraph i: "... an ad-hoc faculty review committee (FRC), which consists of three or five faculty members from the ranks of both the tenured and contract faculty."

**Recommendation**
We recommend that the majority of committee should be made up of Continuing Contract faculty members.

- Page 6, 3. Review Process for Reappointment, paragraph 3, subparagraph iv:
Insofar as is possible, at least one member of the committee must be an NYU Shanghai faculty member.

**Recommendation**
We again recommend that the majority of committee should be made up of Continuing Contract faculty members. If insufficient senior Continuing Contract Faculty are available at NYU Shanghai, then we recommend drawing senior Continuing Contract Faculty from across New York University’s global network.

- Page 6, 3. Review Process for Reappointment, paragraph 4: NYU Shanghai Dean/Program Director and Provost of NYU Shanghai

**Recommendation**
We recommend adding the following subparagraph:
iv. A majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot.

- Page 6, 3. Review Process for Reappointment, paragraph 4: NYU Shanghai Dean/Program Director and Provost of NYU Shanghai

**Recommendation**
We recommend adding the following subparagraph:
v. The review may be written by one or more member of the Review and Reappointment Committee, but all members of the committee should read the review before it is submitted to the Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.

- Page 6, 3. Review Process for Reappointment, paragraph 4: NYU Shanghai Dean/Program Director and Provost of NYU Shanghai

**Recommendation**
We recommend adding the following subparagraph:
vi. In the event that the Dean follows the recommendation of the committee to reappoint and/or for promotion, the summary letter to the faculty member with notification of intent to reappoint or for promotion should include the length of reappointment/appointment, and a signature block for the faculty member.

- Page 6, 3. Review Process for Reappointment, paragraph 4: NYU Shanghai Dean/Program Director and Provost of NYU Shanghai

**Recommendation**
We recommend adding the following subparagraph:
vii. If the school Dean's decision is contrary on appointment, title, or length of contract to that of the Review and Reappointment Committee or the Promotion Committee or the divisional dean, the Dean will provide the committee and candidate with the reasons. The committee members will then have ten days in which to provide further information or counter-argument before the Dean's decision is finalized.

- Page 6, 3. Review Process for Reappointment, paragraph 4: NYU Shanghai Dean/Program Director and Provost of NYU Shanghai

**Recommendation**
We recommend adding the following subparagraph:

viii. In all cases of an appeal to a negative decision related to reappointment or promotion by the Dean, the candidate will have access to the Review/Promotion Committee’s full report, including its recommendation and any comments from the faculty, with the exception of letters designated as "confidential".

- Page 6, 4. Review Process for Promotion, subparagraph v:

Promotion is granted by the Provost of NYU Shanghai on the recommendation of the relevant NYU Shanghai Dean or Program Director to candidates based on the following factors: distinguished professional accomplishments, an outstanding teaching record, and years served in previous institutions (if applicable).

**Recommendation**
We recommend adding to the list of factors, "exceptional service to the program, school, or university."

- Page 6, 4. Review Process for Promotion:

**Recommendation**
We recommend the insertion of a new subparagraph following the existing subparagraph v, that "A negative decision on promotion by the Provost of NYU Shanghai or the NYU Shanghai Dean or Program Director will be explained to both the committee and the candidate."

- Page 7, 5. Grievance Procedure, paragraph 2, sentence 2:

Within 15 business days of receipt of a grievance by the relevant NYU Shanghai Dean or Program Director, the faculty member will meet privately with the relevant NYU Shanghai Dean or Program Director to try to reach an informal resolution.

**Recommendation**
We recommend that a mutually agreed upon third person be present at an informal discussion between the faculty member and the relevant NYU Shanghai Dean or Program Director, rather than having them "meet privately".
• Page 7, 5. Grievance Procedure, paragraph 3:
In the event that the grievance is not settled informally, the faculty member may appeal to the Provost of NYU Shanghai to convene the NYU Shanghai Grievance Committee, appointed in accordance with the NYU Shanghai Shared Governance Guidelines, within 15 business days of receipt by the Provost of NYU Shanghai of written notice of the faculty member’s appeal. For grievances brought by a member of the Continuing Contract Faculty, the NYU Shanghai Grievance Committee will be expanded to include at least one senior member of the Continuing Contract Faculty, if a senior member of the Continuing Contract Faculty is not already on the faculty appointed Grievance Committee.

Recommendation
We recommend that the NYU Shanghai Grievance Committee appointees, including any Continuing Contract Faculty, be drawn from a pool of elected individuals. This is in keeping with the University Guidelines, page 7, Grievance Procedures, The School Grievance Process, paragraph 3, which states that:

"Each school or faculty shall designate a faculty committee to hear grievances in order to advise the Dean. Unless otherwise authorized in the school’s policy and approved by the Provost, each school shall either establish a new standing faculty committee for Continuing Contract Faculty grievances, which will include senior Continuing Contract Faculty and Tenured/Tenure Track Faculty elected by the voting members of the faculty; or shall expand its existing standing grievance committee for Tenured/Tenure Track Faculty to include (elected) senior Continuing Contract Faculty who shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty."

• Page 7, 5. Grievance Procedure, paragraph 3:
In the event that the grievance is not settled informally, the faculty member may appeal to the Provost of NYU Shanghai to convene the NYU Shanghai Grievance Committee, appointed in accordance with the NYU Shanghai Shared Governance Guidelines, within 15 business days of receipt by the Provost of NYU Shanghai of written notice of the faculty member’s appeal. For grievances brought by a member of the Continuing Contract Faculty, the NYU Shanghai Grievance Committee will be expanded to include at least one senior member of the Continuing Contract Faculty, if a senior member of the Continuing Contract Faculty is not already on the faculty appointed Grievance Committee.

Recommendation
We recommend that the NYU Shanghai Grievance Committee appointees, including any Continuing Contract Faculty, be drawn from a pool of elected individuals, as per the University Guidelines specification that: "Unless otherwise authorized in the school’s policy and approved by the Provost, each school shall either establish a new standing faculty committee for Continuing Contract Faculty grievances, which will include senior Continuing Contract Faculty and T/TTF elected by the voting members of the faculty; or shall expand its existing standing
grievance committee for T/TTF to include (elected) senior Continuing Contract Faculty who shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty."

Additionally, The New York University Guidelines for Full-Time Continuing Contract Faculty note numerous requirements and procedures for the school grievance process, including specifying who may grieve, the grounds for grievances based on non-reappointment, as well as grievances related to other issues, the process of requesting the convening by the dean of the grievance committee, and the accessibility of that grievance policy to the faculty.

The development of this grievance process should be undertaken with full participation by the Continuing Contract Faculty and submitted to the faculty for discussion and a vote by the faculty. The process of consideration must include the right to offer amendments, and the vote may occur during a regular faculty meeting or by electronic ballot, as the faculty governance body may determine.

**Minor Substantive Recommendations**

- Page 2, 1. Introduction, paragraph 5, sentence 5:
  "... he or she will remain in employment until the expiration of the existing contract and will be eligible for contract renewal or promotion following the review procedures set out by these Guidelines."

  **Recommendation**
  If the incumbent has not been selected for the tenure track position, but "will be eligible for contract renewal", is this paragraph describing the conversion of one line, or the creation of a new line? If it is just one line, what will happen to the non-selected incumbent, and if the outcome is termination, what calendar will the process follow? The original paragraph should be rewritten to address these questions.

- Page 4, 2. Review Principles, paragraph 11, sentence 1:
  In connection with reviews for reappointment and promotion of Continuing Contract Faculty on a contract of three or more years, these Guidelines will include, or NYU Shanghai will make available (in print and/or on the faculty portal):

  **Recommendation**
  Remove the phrase "on a contract of three or more years", so that all Shanghai Continuing Contract Faculty, regardless of contract length, are addressed by these Guidelines.

- Page 4, 2. Review Principles, paragraph 11, sentence 1:
In connection with reviews for reappointment and promotion of Continuing Contract Faculty on a contract of three or more years, these Guidelines will include, or NYU Shanghai will make available (in print and/or on the faculty portal):

Recommendation
With regard to the phrase "these Guidelines will include", is this not referring to the document under review? If so, the Guidelines should simply include the criteria and calendar described, or should state that they will be made available ("in print and/or on the faculty portal"). Further, the location of the faculty portal should be specified. If other Guidelines are being referenced, please identify them.

• Page 5, 2. Review Principles, paragraph 12, sentence 1:
In addition to reviews at the time of potential reappointment, Continuing Contract Faculty on a contract of three or more years must submit annually to the relevant NYU Shanghai Dean or Program Director an activity report, comparable in scope to reports required of tenured/tenure track faculty but as appropriate for Continuing Contract Faculty appointments and whose format will be designed in accordance with NYU Shanghai policy as in effect at that time.

Recommendation
Is this activity report the one used for the Annual Merit Increase (AMI) or something completely separate?

Editorial Recommendations

• Page 2, 1. Introduction, paragraph 2, sentence 1:
The purpose of these Guidelines is to outline the policies and procedures ...

Recommendation
Replace the word "outline" with "establish".

• Page 4, 2. Review Principles, paragraph 8, subparagraph iii, sentence 1:
Continuing Contract Faculty on multi-year contracts may be reappointed following the completion of the review process outlined below.

Recommendation
Replace the word "outlined" with "specified".

• Page 5, 2. Review Principles, paragraph 11, subparagraph iii, sentence 1:
Calendar for reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome.

Recommendation
Delete the phrase "to take place".
• Page 5, 2. Review Principles, paragraph 11, subparagraph iii, sentence 2:
"Adequate notice for individuals to pursue alternative employment in the event of a negative decision;"

**Recommendation**
This is merely a sentence fragment.

• Page 6, 4. Review Process for Promotion, subparagraph iii, sentence 1:
A faculty member may submit a request for early promotion to the relevant NYU Shanghai Dean or Program Director, but will be granted only under extraordinary circumstances.

**Recommendation**
Change "but will" to "which will".

• Page 6, 4. Review Process for Promotion, subparagraph iv, sentence 1:
The review process for promotion is the same as the review process for reappointment outlined in Section 3 above and typically takes place in conjunction with reappointment.

**Recommendation**
Change "outlined" to "specified".
August 29, 2016

Memorandum to: Allen Mincer, Chair, T-FSC
Fred Carl, Chair, C-FSC

From: David W. McLaughlin, Provost

Subject: NYU Shanghai Guidelines for C-Faculty

The Provost of NYU Shanghai, Joanna Waley-Cohen, forwarded to me the NYU Shanghai Guidelines on the Full-Time Continuing Contract Faculty Review Process for Reappointment and Promotion. This document has the approval of NYU Shanghai leadership (Provost Waley-Cohen, Vice Chancellor Jeff Lehman) as well as the NYU Shanghai C-Faculty, who approved a substantially similar version in May 2016. I am advised that this document was drafted in formal and informal consultations with the C-faculty, including an October 2015 open meeting for all C-Faculty, and ongoing meetings and dialogue with a C-Faculty committee established for this purpose.

As is the case with such policies, NYU Shanghai worked with the Office of General Counsel and my office to edit this document to ensure consistency with University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments. As part of the process of finalizing the policy, I now invite the T-FSC and the C-FSC to provide comments from a University-wide perspective. To reiterate my expectations: At NYU – and as stated in the University Guidelines – our strong tradition is for schools to develop policies that are “consistent with school culture and history.” Within that tradition, the Guidelines provide that school policies will be reviewed by the Provost to determine “whether the substance of the policy: (i) is consistent with general University policy; (ii) is compatible with the University’s commitment to excellence in teaching, research, scholarship, or artistic achievement and service within a community of respectful and respected academic professionals; and (iii) has no adverse implications for the University.” My expectations are that the Faculty Senators Councils adopt the same perspectives for their review, doing so with deference to each school’s distinct style and mode of presentation.

With respect to NYU Shanghai, these additional considerations are relevant: While the University Guidelines do not apply to NYU Shanghai, this document appropriately embraces the spirit and values reflected therein. Where the NYU Shanghai Guidelines take a different approach from the NYU Guidelines, it is to address the specific challenges that NYU Shanghai faces as a start-up organization in its initial years of operation to attract and retain top contract faculty. When the faculty of NYU Shanghai is more established, this document can be revised as appropriate.

As is our practice, the Provost will consider the Councils’ comments in consultation with NYU Shanghai before finalizing the document. Your timely review of this document will be appreciated.

cc:
Katherine Fleming  Carol Morrow  Joanna Waley-Cohen
Daniel Magida  Karyn Ridder  Peter Gonzalez
NYU Shanghai
GUIDELINES ON THE FULL-TIME CONTINUING CONTRACT FACULTY
REVIEW PROCESS FOR
REAPPOINTMENT AND PROMOTION
Effective Date: September 1, 2016 (DRAFT AUGUST 3)

1. INTRODUCTION

2. REVIEW PRINCIPLES

3. REVIEW PROCESS FOR REAPPOINTMENT

4. REVIEW PROCESS FOR PROMOTION

5. GRIEVANCE PROCEDURE
1. Introduction

Full-Time Continuing Contract Faculty represent a distinct and vital part of NYU Shanghai’s academic community and contribute significantly to NYU Shanghai’s academic and service missions. Policies applicable to Continuing Contract Faculty, including these Guidelines, reflect the contributions they make to NYU Shanghai’s commitment to academic excellence, traditional research, other forms of scholarly and artistic achievement, and service while also embodying NYU Shanghai’s goal of requiring exceptional teaching and service.

The purpose of these Guidelines is to outline the policies and procedures governing the appointment, review, reappointment and promotion of full-time, continuing contract faculty (referred to herein as Continuing Contract Faculty). Full-Time Continuing Contract Faculty are contract faculty who are not Tenured/Tenure Track faculty and who: (1) have full-time appointments at NYU Shanghai; (ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion may be required for renewal); and (iii) are not visiting faculty (including faculty who have tenure or are tenure track at another institution and persons who are on leave from another institution). Continuing Contract Faculty at NYU Shanghai may have the titles set forth in Appendix A. These Guidelines were drafted to embrace the spirit and values reflected in the New York University Guidelines for Full-Time Continuing Contract Faculty Appointments.

Rights and Responsibilities. Continuing Contract Faculty have the following responsibilities: teaching including, but not limited to, classroom instruction and student advising; service, including, but not limited to, program and committee responsibilities; the avoidance of conflicts of interest; and other responsibilities as set forth in the faculty member’s employment contract with NYU Shanghai. Continuing Contract Faculty have the following rights: academic freedom, access to health care benefits, retirement benefits, and leaves of absence. Voting rights at NYU Shanghai are extended to Continuing Contract Faculty in accordance with the guiding principles and policies of the NYU Shanghai Faculty Council and the New York University Bylaws.

Participation in NYU Shanghai Governance. Continuing Contract Faculty may hold their own faculty meetings and may grant rights of attendance and voting privileges to other categories of faculty of the school, as it determines; and may participate in joint meetings with tenured/tenure track faculty. Continuing Contract Faculty may be represented on NYU Shanghai governance bodies and included on appropriate committees, except for those involving tenure decisions or those otherwise set aside by the New York University Bylaws as falling within the exclusive domain of tenured and tenure track faculty.

Transfer to Tenured or Tenure Track Appointments. While not prohibited, Continuing Contract Faculty appointments are not normally convertible to a tenure track appointment. In rare cases, and then only with approval of the Provost of NYU Shanghai, a non-tenure track position may be converted into a tenure track position for which the incumbent is eligible to apply within the search process. In these rare cases, conversion of a non-tenure track position into a tenure track position will not foreshorten an existing contract duration as could occur, for example, if the conversion occurred before expiration of an existing contract and the faculty member was not selected for the tenured or tenure track position. In cases where the incumbent is not selected for the tenure track position, he or she will remain in employment until the
expiration of the existing contract and will be eligible for contract renewal or promotion following the review procedures set out by these Guidelines.

Future Amendments
Any amendment to these Guidelines must be in writing and must be approved by the Provost of NYU Shanghai, who will consult with the NYU Shanghai Faculty Council, and the Provost of NYU. As with all NYU Shanghai policies, these Guidelines, or any provision hereof, are subject to change and the policies in effect at the time of an action will apply to that action.

2. Review Principles

These Guidelines apply to all appointments, reappointments and promotions, subject to the terms of the employment contract between the faculty member and NYU Shanghai and the laws of the People’s Republic of China (PRC).

All appointments, including initial appointments and re-appointments, and promotions require the prior written authorization of the Provost of NYU Shanghai.

Teaching performance is prioritized for reappointment, and contract faculty are expected to adhere to the highest levels of performance and commitment to NYU Shanghai and the highest standards of excellence in their fields. Specifically, they should demonstrate evidence of excellent teaching performance, as reflected by a combination of academically rigorous course content, teaching in courses of value to the school, pedagogical innovation, supervision of student portfolio work/research/independent study, formal assessments of teaching effectiveness (e.g. class observation), and student evaluations; and excellence in performance of other duties specified in the employment contract.

Continuing Contract Faculty are expected to be fully engaged at NYU Shanghai to help build and strengthen the school, and to make meaningful service contributions in their department and/or NYU Shanghai; such activities may include serving on committees, advising and mentoring students, administrative program management and oversight, attending school events, setting up labs, and other responsibilities as designated by the Provost of NYU Shanghai, the relevant NYU Shanghai Dean and/or Program Director. Service outside NYU Shanghai that supports its mission is also encouraged, consistent with the Policy on Academic Conflict of Interest and Conflict of Commitment.

Continuing Contract Faculty are welcomed to contribute to NYU Shanghai’s overall research portfolio and professionalism through research projects in their field, professional development, publications, conference attendance, and related activities. While scholarship and practice in the arts or professional fields are highly valued, these are not required for reappointment or promotion, except as set forth in the faculty member’s employment contract.

Continuing Contract Faculty normally are appointed for a period of three to five years. In certain limited circumstances, including but not limited to, at the faculty member’s request or to address a specific academic need, Continuing Contract Faculty may be appointed for a period of one or two years. Continuing Contract Faculty may be reappointed and, in the event they are, the reappointment will be governed by a new contract the length of which is to be determined by
the relevant NYU Shanghai Dean or Program Director following consultation with the Provost of NYU Shanghai.

Continuing Contract Faculty on a one or two-year contract will be notified as to reappointment by no later than 180 days prior to the expiration date of the appointment (i.e., March 1st, in most cases).

Continuing Contract Faculty on multi-year contracts may be reappointed following the completion of the review process outlined below.

1. For Continuing Contract Faculty on an initial contract of three or more years, the review process for reappointment will take place (a) in the first semester of the final year of the contract, and the faculty member will be notified as to reappointment by no later than the end of first semester of the final year of the contract (i.e., December 31st, in most cases), or (b) if requested by the faculty member and subject to the approval of the Provost of NYU Shanghai in his or her discretion, in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the final semester of the penultimate year of the contract (i.e., May 31st, in most cases).

2. For Continuing Contract Faculty on a contract of three or more years following a one or two-year contract or on a contract of three or more years following an initial or subsequent contract of three or more years, the review process for reappointment will take place in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the final semester of the penultimate year of the contract (i.e., May 31st, in most cases).

In addition to certain leaves of absence (e.g. maternity and medical leaves), the Provost of NYU Shanghai may in exceptional cases approve faculty requests for a deferral, delay or extension in the review process. A request for deferral must be formally submitted to the relevant NYU Shanghai Dean or Program Director and the Provost of NYU Shanghai at least one month prior to the beginning of the review process.

These Guidelines are intended to ensure the distinct excellence of NYU Shanghai’s educational programs. A faculty member’s eligibility to be considered for reappointment does not create a presumption in favor of reappointment, even if the faculty member has met or exceeded the expectations set out in the contract. Should NYU Shanghai elect to conduct a search for a new position, the faculty member in question may apply as a candidate in the new search. That faculty member may also request a review for purposes of career development, and such review will be conducted within a time framework agreed upon by the faculty member and the relevant NYU Shanghai Dean or Program Director.

In connection with reviews for reappointment and promotion of Continuing Contract Faculty on a contract of three or more years, these Guidelines will include, or NYU Shanghai will make available (in print and/or on the faculty portal):

1. Statement of the academic criteria in the areas of teaching, program development, research (where appropriate), the creative and performance arts (where appropriate), and
department and school service that will guide the committee’s evaluation.

ii. Statement of the criteria of assessment in effect at the time.

iii. Calendar for reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Adequate notice for individuals to pursue alternative employment in the event of a negative decision;

In addition to reviews at the time of potential reappointment, Continuing Contract Faculty on a contract of three or more years must submit annually to the relevant NYU Shanghai Dean or Program Director an activity report, comparable in scope to reports required of tenured/tenure track faculty but as appropriate for Continuing Contract Faculty appointments and whose format will be designed in accordance with NYU Shanghai policy as in effect at that time. In addition, NYU Shanghai may carry out formal performance assessments from time to time in the course of multi-year appointments that are longer than three years.

3. Review Process for Reappointment

The review process for reappointment commences when a candidate for reappointment submits his or her docket for review to the relevant NYU Shanghai Dean or Program Director in accordance with the timeline in Appendix B.

Docket. Each program or area may determine, with approval from the Provost and relevant Dean or Program Director, the exact make-up of the reappointment docket, as appropriate to the specific area or discipline. Normally, dockets should include:

i. Summary of most salient accomplishments in the areas of review, including teaching philosophy, strategies, and goals; administrative responsibilities; and service to NYU Shanghai. This summary should normally not exceed 2-3 pages in length and in no case should it exceed 5 single spaced pages.

ii. Current CV

iii. Demonstration of teaching effectiveness (e.g., faculty course evaluations, peer observations of teaching, formal assessments of teaching effectiveness, syllabi or URL, and other relevant documents).

iv. Demonstration of service to the NYU Shanghai community (e.g. curriculum development, faculty governance, student mentoring, etc.).

v. Where appropriate, summary and demonstration of scholarship, research, creative productions, performances, and professional development.

vi. A faculty member is encouraged to include any additional evidence that he or she believes bears on the case for reappointment or promotion, not otherwise identified above.

Faculty Review Committee.

i. The relevant NYU Shanghai Dean, in consultation with the Program Director (when applicable), appoints an ad-hoc faculty review committee (FRC), which consists of three or five faculty members from the ranks of both the tenured and contract faculty.

ii. In conducting the review, it is the responsibility of the FRC to uphold the highest principles of professional responsibility, fairness, confidentiality, and non-discrimination.
iii. The FRC is normally composed entirely of faculty of greater rank (whether tenured, tenure track or Continuing Contract Faculty) than the candidate, except in the case of a faculty member at the full rank of professor when all members will be of rank at least of Professor. Typically, the majority of the FRC members are from the same academic discipline as the candidate.

iv. Insofar as is possible, at least one member of the committee must be an NYU Shanghai faculty member. Other members may be drawn from faculty across New York University’s global network.

v. The relevant NYU Shanghai Dean or Program Director forwards the docket to the FRC, which assesses the docket.

vi. The FRC formulates a recommendation on reappointment typically no later than two months from the start of the review process and submits its written recommendation to the relevant NYU Shanghai Dean or Program Director.

NYU Shanghai Dean/Program Director and Provost of NYU Shanghai.

i. The relevant NYU Shanghai Dean or Program Director reviews the recommendation of the FRC and submits his or her recommendation to the Provost of NYU Shanghai who makes a decision on reappointment.

ii. In formulating his or her recommendation or decision, as the case may be, the relevant NYU Shanghai Dean or Program Director and Provost of NYU Shanghai may seek additional information, including, but not limited to, student evaluations of teaching, internal letters of review of the candidate’s teaching, and service contributions.

iii. The relevant NYU Shanghai Dean or Program Director then conveys the decision on reappointment to the candidate and, if a negative decision, the basis for such decision.

4. Review Process for Promotion

i. The process for promotion is initiated by the candidate who confirms his/her eligibility for promotion with the relevant NYU Shanghai Dean or Program Director.

ii. Normally, an assistant or lecturer title becomes eligible for promotion to associate or senior title after at least six years at the rank at which he/she is hired. A candidate becomes eligible for promotion to full professor after at least three years at the rank of associate professor.

iii. A faculty member may submit a request for early promotion to the relevant NYU Shanghai Dean or Program Director, but will be granted only under extraordinary circumstances. It is not normally in the best interest of a candidate or of the institution to propose candidates for promotion ahead of schedule.

iv. The review process for promotion is the same as the review process for reappointment outlined in Section 3 above and typically takes place in conjunction with reappointment.

v. Promotion is granted by the Provost of NYU Shanghai on the recommendation of the relevant NYU Shanghai Dean or Program Director to candidates based on the following factors: distinguished professional accomplishments, an outstanding teaching record, and years served in previous institutions (if applicable).

vi. A negative decision for promotion does not preclude continuation/renewal of an employment contract or appointment.

vii. A negative decision for promotion will not affect the candidate’s current employment
contract or appointment.

5. **Grievance Procedure**

Continuing Contract Faculty who are (i) on multi-year contracts, eligible for reappointment and subject to a review process to determine whether they are to be reappointed or (ii) eligible for promotion, may appeal non-reappointment or denial of promotion, as the case may be. Grievances are limited to the following two grounds: (i) proper procedures were not followed in reaching the decision; and/or (ii) the decision or process violated the academic freedom of the faculty member.

**Informal Settlement.** All grievances are expected to be settled informally by the relevant NYU Shanghai Dean or Program Director. Within 15 business days of receipt of a grievance by the relevant NYU Shanghai Dean or Program Director, the faculty member will meet privately with the relevant NYU Shanghai Dean or Program Director to reach an informal resolution.

**Provost of NYU Shanghai and NYU Shanghai Grievance Committee.** In the event that the grievance is not settled informally, the faculty member may appeal to the Provost of NYU Shanghai to convene the NYU Shanghai Grievance Committee, appointed in accordance with the NYU Shanghai Shared Governance Guidelines, within 15 business days of receipt by the Provost of NYU Shanghai of written notice of the faculty member’s appeal. For grievances brought by a member of the Continuing Contract Faculty, the NYU Shanghai Grievance Committee will be expanded to include at least one senior member of the Continuing Contract Faculty, if a senior member of the Continuing Contract Faculty is not already on the faculty-appointed Grievance Committee. In the event that the Provost of NYU Shanghai does not convene the NYU Shanghai Grievance Committee within said time, the faculty member has the right to bring it to the attention of the Provost of NYU. The NYU Shanghai Grievance Committee will provide its recommendation to the Provost of NYU Shanghai within 30 business days of the convening of the committee.

The NYU Shanghai Grievance Committee does not judge the professional merits of the case and only considers the appeal based on the grounds specified above. After deliberation, the NYU Shanghai Grievance Committee advises the Provost of NYU Shanghai of its recommendation. The Provost of NYU Shanghai reviews the NYU Shanghai Grievance Committee’s recommendation and all pertinent information and notifies the faculty member and the NYU Shanghai Grievance Committee in writing of his/her decision, together with reasons therefore.

**Provost of NYU.** If the decision of the Provost of NYU Shanghai is not satisfactory to the faculty member, he or she may, within 15 days of receipt of the Provost of NYU Shanghai’s decision, appeal in writing to the Provost of NYU (or his/her designee) specifying all grounds for and materials in support of the appeal. Where such an appeal is made, the Provost of NYU Shanghai will transmit to the Provost of NYU a report of the proceedings in the case at its earlier stages. The Provost of NYU will decide the case, and notify the grievant and the Provost of NYU Shanghai. If the advice of the latter is not followed, the reasons will be reported with the decision. The decision of the Provost of NYU is final and subject to no further review.
Appendix A: Continuing Contract Faculty Titles

Continuing Contract Faculty at NYU Shanghai may have the following titles and ranks:

- **Arts and Music** (Arts Professor, Associate Arts Professor, Assistant Arts Professor)
- **Clinical** (Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, Clinical Instructor)
- **Instructor/Lecturer Titles Related to the Teaching of Language** (Instructor of Chinese Language, Senior Language Lecturer, Language Lecturer)
- **Lecturer** (Senior Lecturer, Lecturer);
- **Practice** (Professor of Practice, Associate Professor of Practice, Assistant Professor of Practice)
- **Research** (Research Professor, Associate Research Professor, Assistant Research Professor)
- On rare occasion, Continuing Contract Faculty may have the title of Professor.
# Appendix B: Reappointment Calendar

<table>
<thead>
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<th>Contract Term</th>
<th>Docket Due</th>
<th>Timing of Review Process</th>
<th>Notification</th>
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<td>Initial 1 or 2-Year Contract</td>
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<td>180 days prior to expiration date of the appointment (March 1st, in most cases)</td>
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<td>Initial Contract of 3+ Years</td>
<td>Prior to first semester of final year of the contract (September 1st, in most cases)</td>
<td>1. First semester of the final year of the contract.</td>
<td>1. No later than the end of first semester of the final year of the contract (December 31st, in most cases).</td>
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<td>or 2. Prior to final semester of the penultimate year of the contract (January 1st, in most cases)</td>
<td>or 2. If requested by the faculty member and subject to the approval of the Provost in his or her discretion, in the final semester of the penultimate year of the contract.</td>
<td>or 2. No later than the end of the final semester of the penultimate year of the contract (May 31st, in most cases).</td>
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<td>Second or Subsequent Contract of 3+ Years or Initial Contract of 3+ Years After 1 or 2-Year Contract</td>
<td>Prior to final semester of the penultimate year of the contract (January 1st, in most cases)</td>
<td>Final semester of the penultimate year of the contract</td>
<td>No later than the end of the final semester of the penultimate year of the contract (May 31st, in most cases)</td>
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Option 1 (Current SAAC Proposal): 10/12 Fall Break and 10/14 Legislative Day
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Option 2: 10/12 Fall Break and 9/9 Legislative Day
Option 3: No Fall Break and 9/9 Legislative Day and extra Reading Day

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Changes

- SEP 9/1-9/3: Classes Begin
- 9/6: Labor Day
- 9/13: Monday
- 9/20: RH - 2
- 9/27: YK - 3
- 10/4: GW - 4
- 10/11: N - 7
- 10/18: N - 6
- 10/25: N - 7
- 11/1: D - 10
- 11/8: D - 11
- 11/15: D - 10
- 11/22: Thanx Break
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Option 4: 11/25 Fall Break and no Legislative Day

Classes Begin 11/3

Fall Break 11/25

Thank Break 11/27

Final Exams 12/21

Winter Recess 12/26

KW

Sunday Monday Tuesday Wednesday Thursday Friday Saturday
### FALL '20

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**Option 5: 10/12 Fall Break and 9/2 Legislative Day**

Tandon Lab Changes

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**Changes**

- **SEP 9/1**: Labor Day
- **SEP 9/8**: Labor Day
- **SEP 9/15**: Labor Day
- **SEP 9/22**: Labor Day
- **SEP 9/29**: Labor Day
- **SEP 10/6**: Labor Day
- **SEP 10/13**: Labor Day
- **SEP 10/20**: Labor Day
- **SEP 10/27**: Labor Day
- **SEP 11/3**: Labor Day
- **SEP 11/10**: Labor Day
- **SEP 11/17**: Labor Day
- **SEP 11/24**: Labor Day
- **SEP 11/31**: Labor Day
- **OCT 10/6**: Labor Day
- **OCT 10/13**: Labor Day
- **OCT 10/20**: Labor Day
- **OCT 10/27**: Labor Day
- **OCT 11/3**: Labor Day
- **OCT 11/10**: Labor Day
- **OCT 11/17**: Labor Day
- **OCT 11/24**: Labor Day
- **OCT 11/31**: Labor Day
- **NOV 10/6**: Labor Day
- **NOV 10/13**: Labor Day
- **NOV 10/20**: Labor Day
- **NOV 10/27**: Labor Day
- **NOV 11/3**: Labor Day
- **NOV 11/10**: Labor Day
- **NOV 11/17**: Labor Day
- **NOV 11/24**: Labor Day
- **NOV 11/31**: Labor Day
- **DEC 10/6**: Labor Day
- **DEC 10/13**: Labor Day
- **DEC 10/20**: Labor Day
- **DEC 11/3**: Labor Day
- **DEC 11/10**: Labor Day
- **DEC 11/17**: Labor Day
- **DEC 11/24**: Labor Day
- **DEC 11/31**: Labor Day
- **FALL '20 10/12**: Labor Day
- **FALL '20 9/2**: Labor Day

**Important Dates**

- **SEP 9/1**: Labor Day
- **SEP 9/8**: Labor Day
- **SEP 9/15**: Labor Day
- **SEP 9/22**: Labor Day
- **SEP 9/29**: Labor Day
- **SEP 10/6**: Labor Day
- **SEP 10/13**: Labor Day
- **SEP 10/20**: Labor Day
- **SEP 10/27**: Labor Day
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- **DEC 11/24**: Labor Day
- **DEC 11/31**: Labor Day
- **FALL '20 10/12**: Labor Day
- **FALL '20 9/2**: Labor Day