MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF MAY 12, 2016

The New York University Continuing Contract Faculty Senators Council (C-FSC) met at noon on Thursday, May 12, 2016 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Borowiec, Burt (by video-conference), Carl, Cittadino, Elcott, Fefferman, Halpin, Killilea, Mooney, Morton, Mowry, Rainey, Renzi, Sacks, Slater, Stehlik, Stewart; Alternate Senators Celik, Gershman, Lee, Mirabito, Sahin, and White.

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 APRIL 26, 2016

Upon a motion duly made and seconded, the minutes of the April 26, 2016 meeting were approved unanimously.

STEERING COMMITTEE ELECTION

Call for Nominations and Vote for 7-member Steering Committee

Chairperson Carl opened the floor for nominations, including self-nominations.

Senator Halpin self-nominated.

Carl announced the list of eight nominees: Joe Borowiec from Tandon, Fred Carl from Tisch, David Elcott from Wagner, John Halpin from SPS, Mary Killilea from FAS, Larry Slater from Nursing, Susan Stehlik from Stern, and Patrick Ying from Medicine.

Senators were asked to submit their ballots by filling out one name on each piece of paper, for a total of seven selections.

Vice Chairperson Mowry and Manager of Faculty Governance Ridder counted the ballots and Mowry reported the results of the election:

Joe Borowiec from Tandon, Fred Carl from Tisch, John Halpin from SPS, Mary Killilea from FAS, Larry Slater from Nursing, Susan Stehlik from Stern, and Patrick Ying from Medicine will serve on the C-FSC Steering Committee for academic year 2016-2017.
REPORT FROM THE CHAIRPERSON: FRED CARL

See attached Document A: C-FSC Chair Update

School Elections

Chairperson Carl noted the Office of Faculty Governance is working with the University Secretary's Office to collect the results of all school elections.

C-FSC Council Meetings, 2016-17

The Steering Committee will meet to set the schedule for C-FSC meetings for 2016-2017. These will be distributed as soon as the schedule is determined.

Congratulations and Thank You

Chairperson Carl noted the accomplishments of the Council and listed these accomplishments in the report, including the school policies reviewed and recommendations completed. He noted more policies will be sent to the Council for review, including FAS, SPS, and Silver, and later he expects, Tandon, Shanghai, and Abu Dhabi.

He also commented on the strong working relationships developed with the senior administration, particularly through the Steering Committee’s meetings with the President and Provost.

The report was accepted into the minutes.

DISCUSSION OF SCHOOL POLICIES: JOHN HALPIN

Recommendations regarding Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments, Center for Urban Science and Progress (CUSP)

See attached Document C: CUSP

Chairperson Carl clarified the recommendations were developed between the C-FSC Personnel Policies & Contract Issues Committee and the T-FSC Personnel Policies & Tenure Modifications Committee. However, with the end of the year deadlines and timing, these are being submitted as separate recommendations by each Council.

Senator Halpin noted the committee members that took lead on specific policies: Alternate Senator White on CUSP, Senator Becker on Law, and Chairperson Carl on ISAW.

A Senator suggested updating the name of the Council and the Council’s acronym throughout the document. The edit was accepted.

A Senator asked for clarification on the process for producing the final document. It was clarified the Council’s recommendations are sent to the Provost and they are then communicated to the School Dean. It was noted at Tisch the recommendations were discussed with the Dean and faculty. A Senator recommended Senators ensure faculty are involved in their School’s review of these policies and the recommendations.

At the conclusion of the discussion, the recommendations were approved by vote of the Council.

Recommendations regarding Policy for the Review, Reappointment, and Promotion of Full-Time Non-Tenure Track/Contract Faculty in the Institute for the Study of the Ancient World

See attached Document D: ISAW
The recommendations were approved by vote of the Council.

**Recommendations of T-FSC regarding NYU School of Law Policy on Continuing Contract Faculty Appointments**

*See attached Document E: Law School*

A Senator suggested including the same language regarding policy review, as listed in the Law policy, in every school policy. The policy states on page 1, paragraph 2:

> Every five years, the Dean of the School of Law will appoint a committee of faculty and administrators to review this policy. Working with the Dean, the committee will prepare a written report, including the success of and/or challenges in implementing the policy, which report will be provided to the Provost of the University.

Another Senator suggested adding this as a twenty-second principle in the *Twenty-One Principles regarding School Policies for Appointment, Reappointment, and Promotion for Full-Time Continuing Contract Faculty* approved in March.

A Senator commented on recommendation 3 (below) and asked if the Bylaws rule the definition.

**3. Comment**

The final sentence (“The fact that an individual holds a non-tenure position listed in Bylaw 89 as cited in the Faculty Handbook does not conclusively establish that the person is a CCF”) creates ambiguity around the definition.

**Recommendation**

Suggested revision: “Though an individual may hold a non-tenure position listed in Bylaw 89 as cited in the Faculty Handbook, s/he will only be considered CCF if his/her appointment meets the criteria outlined in the previous paragraph.”

It was noted the Bylaws do provide the definition and this recommendation adds clarity by referring back to the previous paragraph.

A Senator asked a question regarding Comment 12 and if this applies only to one-year contracts or to contracts of all lengths. If multi-year contracts are included, the dates should be for the penultimate year, rather than the final year of the contract. This will be clarified with Senator Becker, and if it is not for a one-year contract, the comment will be edited.

Another Senator noted his concern with comment 13, that one person can pursue a review without the entire committee agreeing that a review is necessary. It was suggested to include a statement that such a request for review can be voted down by the other members of the committee. The possibility of strengthening this language will be discussed with Senator Becker.

At the conclusion of the discussion, the recommendations were approved by vote of the Council, with the understanding that Senator Halpin will discuss these suggested edits with Senator Becker.

**COMMITTEE REPORTS**

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

**Finance Policy and Planning: Susan Stehlik**

Senator Stehlik reported the Committee submitted its budget recommendations and noted the Committee argument for professional development funds for all faculty members. The response was in support of professional development funds but the decision will be left to the Dean.

A Senator asked to discuss the possibility of offering a cost of living increase for all faculty instead of an Annual Merit Increase (AMI). He noted the AMI can be used as a tool to reward or punish.

Stehlik responded the Finance Committee had lengthy discussions on AMI and cost of living. She noted the real issue is compression. She stated the salary survey gathered data on this and the Committee will compare by school. The Committee also commented that merit is not properly defined.

**Steering Committee on Affordability: Susan Stehlik**

Senator Stehlik noted Ellen Schall, Chair of the Affordability Steering Committee, hosted *How Might We* sessions to brainstorm solutions on how to make a difference in the trajectory of college costs at NYU. She commented there is a need to look at the bigger picture and to collect more ideas from faculty members.

Senators expressed disagreement with the administration’s suggestion to lower time to graduation to improve affordability. It was noted this impacts the academic experience and affects students’ opportunity for time to learn and grow as individuals in a community.

The other concern is that many students that pursue the three-year program bring in AP credit. It therefore discriminates against students who do not attend high schools that offer AP credit.

A Senator suggested reviewing studies that show the impact of a shortened undergraduate program.

A Senator asked if administration costs were discussed. Stehlik stated the administrative group has presented numbers that shows how they have reduced costs but there is still a general feeling that there is a duplication of efforts in the administrative group. For instance, centralizing departments could save money, such as not having separate HR departments or separate IT departments in every school.

**Faculty Benefits and Housing: Joe Borowiec & Vince Renzi**

Senator Renzi reported the Committee, along with the T-FSC Benefits and Housing Committee, will meet with Sabrina Ellis, the new VP for Human Resources to discuss benefits for next year. He asked Senators to send him and Senator Borowiec any comments, recommendations, or questions.

He added the Committee requested to meet with representatives from the various benefits providers, such as United Healthcare and Caremark in the coming year.

A Senator asked if the Committee has discussed receiving a clear policy on housing. Chairperson Carl responded the Steering Committee has been in discussion with the Provost’s Office and the President’s Office about housing, the case-by-case process, and its use as a tool for recruitment and retention.

A Senator commented it would be useful to receive facts on housing, particularly specific data on the number of empty apartments and the process for receiving housing.

A Senator suggested consideration for other ways of supporting continuing contract faculty in obtaining housing elsewhere, if on campus housing is not an option. He noted continuing contract faculty salaries do not match tenured/tenure track salaries, which makes it even more challenging for continuing contract faculty to find housing within a reasonable distance to the University.
Ad Hoc Committee on Tuition Remission and Portable Tuition Benefits: Vince Renzi

Senator Renzi reported the Committee will be meeting over the summer. He noted he had a conversation with the T-FSC Benefits Committee Co-Chairs on finding a way to use the 529 plan, a tax advantaged college savings plan, as a way of more equitably sharing tuition support.

The Committee discussed the purpose of tuition remission and its benefit in retention and recruitment for faculty members with college aged children and also to advance the professional development of the staff on campus.

The issue of non-exempt staff members qualifying for tuition remission was also discussed. A Senator brought up the lack of representation in the University Senate for those represented by a union.

Faculty Committee on NYU’s Global Network University: Vince Renzi

Senator Renzi stated the C-FSC GNU Committee is working on the issue of continuing contract faculty gaining access to the global professor title. This issue is now being brought to the Faculty Committee on NYU’s Global Network University and will be discussed over the summer, which may result in a revised set of guidelines.

No Discussion/Questions on the following submitted report:

Senate Ad Hoc Committee on Work-Life Issues: Vince Renzi

Reports at Meeting:

Diversity, Equity, & Inclusion Committee: David Elcott

Senator Elcott asked the Council for their agreement to add the issue of “ban the box” to the Committee’s agenda. This issue relates to the question on the undergraduate common application that asks prospective students if they have been convicted of a crime. The Council supported adding this item to the Committee’s agenda.

Governance Committee: Ezra Sacks

Senator Sacks stated the Committee produced a 62 page report on the results of the Shared Governance survey, which received over 500 responses. He asked Senators to review the report.

It was noted the survey is still open and faculty are continuing to send in responses.

Sacks stated one positive finding is that almost 70% of the continuing contract faculty know if their school has established policies governing the appointment, review, and reappointment of continuing contract faculty. One negative finding is that 50% of the continuing contract faculty have no idea regarding who on the faculty is allowed to vote on school matters between tenure and continuing contract faculty.

This report will be discussed at the end of year retreat and a final report will be published on the website.

University Senate SCOG: Vince Renzi

Renzi stated the Committee is waiting for the Board of Trustees’ approval on the report passed at the last University Senate meeting. If approved over the summer, the University Senate will gain 10 Senators.

Undergraduate Program Committee: John Halpin

Senator Halpin reported the Committee met for the last time yesterday and discussed issues related to minors.
The reports were accepted into the minutes.

RETIRING SENATORS

Chairperson Carl announced the retirement of Vice Chairperson Mowry and Senator Rainey. On behalf of the Council, he thanked them both for their service and wisdom, consistency and thoughtfulness and wished them good luck.

Senator Rainey expressed his thanks and stated it has been a privilege to take part in the participatory voice of the Council and encouraged those Council members going forward to make good use of that voice.

Vice Chairperson Mowry stated getting this group together and being a part of the senate has been amazing and to have this be a part of his legacy at NYU is important to him. He stated his appreciation for having the chance to work with so many people from across the university and thanked the Council.

RETREAT

Chairperson Carl announced the C-FSC Retreat will take place on Wednesday, May 25, 2016, 10:00 am—5:00 pm at Stern School of Business, Rm. KMC 5-50, 44 West Fourth Street, followed by a social event at Alternate Senator White’s apartment.

ADJOURNMENT

The meeting adjourned at 11:00 AM.
C-FSC—Chair’s Report
Chairperson Fred Carl

Report as of May 9, 2016

1. Steering Committee Elections

Our first order of business at this Thursday’s meeting will be taking nominations for and electing the 7-member Steering Committee for the 2016-2017 Academic Year. Steering Committee members will take their seats on September 1, 2016 and serve until August 31, 2017.

2. Committee Updates

Our Personnel Policies and Contract Issues committee has completed their recommendations to school policies for the Center for Urban Science and Progress (CUSP), the Law School and the Institute for the Study of the Ancient World (ISAW). Please be prepared to vote on these policies at this Thursday’s meeting.

Similar to our Council’s approval of the recommendations to the Stern policy, the recommendations to the policies from the Law School, CUSP and the Institute for the Study of the Ancient World (ISAW) will be from the C-FSC only. The T-FSC voted on recommendations to these policies last week. The background to this is a request from the Provost’s Office to complete all of the policies by commencement. It is expected that in the future we will continue to develop and present recommendations as joint recommendations from both Councils.

The Gallatin policy that we approved at our last meeting has been submitted to the Provost’s Office, with notification of recommendations that were approved by us, but not approved by the T-FSC. The Gallatin Recommendations are now posted on our website.

The Provost’s Advisory Working Group, charged to develop recommendations for disciplinary policies and grievance procedures for continuing contract faculty not related to appointment, reappoint and promotion, has developed its recommendations and these were submitted to the Provost. Following provostial approval, the policies and procedures will be incorporated into a revised University Guidelines for Full-Time Continuing Contract Faculty Appointments, Including Grievance Procedures and Disciplinary Regulations. Please see those recommendations, attached.

The Governance Committee’s Shared Governance Questionnaire has been distributed to all continuing contract faculty members at the University. We have extended the deadline for completion to May 15th. As of Saturday, May 7th, we had more than 500 responses.
3. School Elections

We are still waiting to hear whether Schools have held elections for open Senator and Alternate Senator seats.

4. Goodbye

On behalf of everyone, I would like to thank those Senators and Alternates who will not be with the Council next year.

I would especially like to say “Thank You” and “Have Fun” to Randy Mowry and Ron Rainey, who are both retiring after many years of service at NYU. This Council, your departments and colleagues, and, most especially, your many current and former students will miss you and your wise words and thoughtfulness.

5. C-FSC Retreat

A reminder: Our Retreat has been set for Wednesday, May 25, 2016, 10:00am-5:00pm. The location is:

Stern School of Business
Room KMC 5-50
44 West Fourth Street

All current C-FSC members, as well as any newly elected representatives are invited and encouraged to attend.

Also, a reminder: Heidi White has very generously offered to host a post-Retreat Get-Together at her place. Details will follow. (Should we bring stuff?)

6. Meeting Schedule

The Steering Committee will meet to set the schedule for C-FSC meetings for the AY 2016-2017. These will be distributed as soon as we determine that schedule.

7. Congratulations and Thank You

I would like to thank everyone for a very good year. When you stop to consider all that we have accomplished in our second year as a Council, we have quite a bit to feel good about:

School Policies Reviewed and Completed Recommendations
Liberal Studies
Stern
Gallatin
Law
CUSP
ISAW;

Key and Active Participation on Every Senate, Provost and University Committee, Ad Hoc Advisory Group, and Task Force;

The Development of University Policies on Disciplinary Procedures and Grievance Procedures Not Related to Appointment, Reappointment and Promotion;

The Development of Productive Working Relationships with the T-FSC, as well as the Senior University Leadership, the SSC and the AMC;

The Development and Distribution of the Questionnaire on Shared Governance that was Proposed at our Fall 2015 Retreat.

There will continue to be challenges, but we are now firmly embedded in the shared governance structure of the University.

I will distribute our End of the Semester Newsletter early in the Summer. Please let Karyn know of any awards, honors or accomplishments that you would like included.

Depending on how you will spend the summer months, have a recharging, productive, and/or relaxing summer!
Memorandum to: David W. McLaughlin, Provost
Katherine Fleming, Deputy Provost
Robert Berne, Executive Vice President for Health

From: Carol Morrow

Subject: Recommendations for Grievance Procedures and Disciplinary Procedures Applicable to Full-Time Continuing Contract Faculty (C-Faculty)

April 27, 2016

On behalf of the working group that the Provost convened earlier this year to advise about disciplinary and grievance processes for C-Faculty, and as its Co-Chair, I respectfully submit our recommendations for your consideration.

Background

The group was guided by the commitment to protect the legitimate interests of C-Faculty while recognizing their obligation to comply with University rules and regulations, and ensuring the University commitment to excellence in teaching, research, scholarship, and creative endeavor. In preparing its recommendations, the group, which met on five occasions, reviewed the interim University Guidelines for Full-time Continuing Contract Faculty Appointments, and the relevant procedures applicable to Tenured/Tenure Track Faculty (T-Faculty) (Faculty Grievance Procedures and Title IV: General Disciplinary Regulations). The group respected the spirit of these documents by establishing minimum University-wide requirements for disciplinary and grievance procedures while providing each School the room to implement policies sensitive to the School’s distinctive and pertinent features. While the recommendations for C-Faculty adopt many provisions that apply to T-Faculty, the group agreed that T-Faculty policies cannot be applied across the board for the C-Faculty, whose length of service is limited by contract and who have a varied range of responsibilities and roles across and within the schools.

Recommendations

Our recommendations are presented as amendments to the interim Guidelines. These amendments are 1) amendments to an existing section newly titled, V. Continuing Contract Faculty Grievance Procedures, primarily to include new provisions for grievances on matters other than reappointment and promotion; and 2) creation of a new section VI. General Disciplinary Regulations. It is our hope that our recommendations will be endorsed by University leadership and that the Guidelines will be promulgated as amended.

With the Guidelines fully developed to address grievance and disciplinary processes, we also recommend that they be incorporated directly into the Faculty Handbook in Faculty Policies Applicable to Full-Time Continuing Contract Faculty; currently, the Guidelines are incorporated as a link.

The recommendations include provisions for:

• Informal review and resolution as a first step in the proceedings;
• If informal resolution is not successful, a school level Dean’s advisory committee whose majority members are senior C-Faculty;
• The Dean’s right to make grievance decisions and impose disciplinary penalties;
• The privilege of appeal by the C-Faculty, under specified circumstances, of a dean’s grievance decision and a Dean’s disciplinary penalties to the Provost.
• Time tables to help complete the process within the C-Faculty member’s contracted term of service.

Attachments
Amended *Guidelines*
Tracked *Guidelines* showing amendments to existing *Guidelines*

**Copy to Working Group Members**
Ulrich Baer, Co-chair, Vice Provost for Faculty, Arts, Humanities and Diversity
Awam Amkpa, Senator, T-FSC; Associate Professor of Drama, TSOA
Julie Boden Adams, Associate General Counsel
Fred Carl, Chair, C-FSC; Associate Arts Professor of Graduate Musical Theatre Writing, TSOA
Lauren Holmes, Senior Associate Dean of Administration, FAS
Warren Jelinek, Senator, T-FSC; Professor of Biochemistry & Molecular Pharmacology, Medicine
Ted Magder, Vice Dean, Academic Affairs; Professor, Media, Culture & Communication, Steinhardt
Andrew Williams, Senator, C-FSC; Clinical Associate Professor of Practice of Lawyering, Law
UNIVERSITY GUIDELINES FOR
FULL-TIME CONTINUING CONTRACT FACULTY APPOINTMENTS
INCLUDING GRIEVANCE PROCEDURES AND DISCIPLINARY REGULATIONS

I. INTRODUCTION

Full-Time Continuing Contract Faculty are a distinct and important part of the University academic community and contribute significantly to the University’s academic missions. School policies applicable to this group of faculty shall recognize the contributions they make to the University’s commitment to teaching excellence, traditional research, and other forms of scholarly and artistic achievement, as well as University service.

II. FORMULATION OF SCHOOL POLICIES

Each school governed by these Guidelines is required to establish its own policies governing the appointment, review, and reappointment of Continuing Contract Faculty consistent with school culture and history, and sensitive to the diversity of Continuing Contract Faculty roles and responsibilities in the school. These policies must contain a comprehensive set of procedures that conform to the general principles set forth herein, and must appear in a document that is readily available (in print and on the web) to all faculty members of the school.

In response to these guidelines and as appropriate thereafter, schools shall formulate and/or amend their policies in accordance with existing school governance processes and with the expectation that Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit. Policies on Continuing Contract Faculty developed or amended by the school according to such procedures will be reviewed by the Provost to determine whether the procedures applied in their formulation and manner of adoption have provided for adequate deliberation and representation of the view of the school’s faculty taken as a whole, and 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.

Newly formulated or amended school policies governing the hiring, review, and reappointment of Continuing Contract Faculty are effective and binding only upon approval of the Provost, who in reaching his or her decision shall consult with the Tenured/Tenure Track Faculty Senators Council (T-FSC) and the Continuing Contract Faculty Senators Council (C-FSC).

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1 At this time, this document does not apply to NYU’s health professional schools (Medicine, and the Faculty of Health: Dentistry, Nursing, College of Global Public Health) or to NYU’s portal campuses in Shanghai and Abu Dhabi. However, these schools are expected to embrace the spirit and values reflected in these guidelines, and to adopt policies accordingly.

2 All policies must be consistent with the University’s Bylaws and with actions of the University’s Board of Trustees.

Revised April 26, 2016 to more fully develop grievance procedures and incorporate disciplinary regulations.
Each school shall establish a formal process for conducting a five-year review of the school policy initially approved under these guidelines and for successive reviews of the policy and its implementation periodically thereafter. This review shall include a written report from the school dean to the Provost, who shall consider both the substance of the policy as well as its implementation.

III. TITLES AND TERMS OF EMPLOYMENT

Scope of These Guidelines

These Guidelines apply to Full-Time Continuing Contract Faculty as they are defined in University Bylaws, Section 87(a), Full-Time Continuing Contract Faculty Appointments. Continuing Contract Faculty “are faculty who are not Tenured/Tenure Track Faculty and who: (i) have full-time appointments at the University; (ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion within the appointment category, such as from Assistant to Associate, may be required for renewal); and (iii) are not visiting faculty (including persons who have tenure or are on the tenure track at another institution and persons who are on leave from another institution or company.)

Titles for Continuing Contract Faculty

Continuing Contract Faculty have an array of titles, which may vary depending on the school, and which may overlap with Other Faculty titles (see University Bylaws, Section 88, Other Faculty). Continuing Contract Faculty are to be appointed using academic titles from among appropriate titles set forth in University Bylaws at that time and listed among Nontenure Positions (University Bylaws, Section 89, Nontenure Positions). Schools seeking to create materially different academic titles designed to convey Continuing Contract Faculty status must secure the approval of the Provost, who shall consult with the T-FSC and the C-FSC and make a recommendation to the Board of Trustees to amend the Bylaws accordingly.

Written Contracts

Each Continuing Contract Faculty appointment is to be secured by a written contract, specifying a fixed term, signed by the parties to it, and filed with the school Dean and the University Office of Academic Appointments prior to commencement of employment.

Such contracts shall include the following terms negotiated between the faculty member and the appropriate administrator with the authority to do so, and approved by the Dean:

- start and end dates of the appointment;
- an indication of whether the faculty member is eligible to be considered for reappointment upon conclusion of the current contract;
- academic responsibilities, compensation, and obligations of the appointment;
- particular responsibilities and benefits; and
- agreement to be bound by applicable University policies.

In accordance with University Bylaws, Section 87(b), Contracts and Titles, the appointment of Continuing Contract Faculty automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal. By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by a school’s taking affirmative action to do so.
Areas of Responsibility

Responsibilities and assignments for Continuing Contract Faculty vary from school to school and within schools and are normally differentiated by title. Each school shall define and prioritize the responsibilities associated with Continuing Contract Faculty positions and establish performance expectations.

Responsibilities associated with Continuing Contract Faculty appointments typically include some but not necessarily all of the following and need not be restricted to them:

- teaching including, but not limited to, classroom instruction;
- scholarship including, but not limited to, for example, research, publications, creative productions, and performances;
- student advising;
- service including, but not limited to, service to the University community and within and to one’s profession; and
- additional academic roles and administrative responsibilities that contribute to the school’s or University’s educational, research, and service missions.

Participation in School Governance

In accordance with University Bylaws, Section 82(c), Faculty Membership, College and School Governance, the Continuing Contract Faculty of a school may hold its 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.

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.

Transfer between Continuing Contract Faculty and Tenured or Tenure Track Appointments

While not prohibited, Continuing Contract Faculty appointments are not normally convertible to tenure track appointments. In rare cases, and then only with provostial approval, a school may choose to convert a non-tenure track position into a tenure track one 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 contractee was not selected for the tenured or tenure track appointment. However, no school policy may prohibit a Continuing Contract Faculty member from applying for and being considered for any tenure track opening that arises within his or her school or elsewhere in the University; nor may any school policy treat his or her doing so with prejudice.

IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT

Excellence in Faculty Appointments

Appointment processes for Continuing Contract Faculty shall reflect the University’s overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each Continuing Contract Faculty appointment and reappointment shall be evaluated in
the light of the contribution it makes to the distinct excellence of the school, including its educational and training programs, and shall exemplify the University’s commitment to appoint and retain the best faculty in all disciplines.

Hiring Plan and Process

a. Duration of Contracts

Continuing Contract Faculty appointments that provide for the possibility of extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts may be programmatically and academically desirable in a number of schools and academic programs within schools; school policies shall include a rationale for a Continuing Contract Faculty title(s) that carries a one-year appointment.

Full-time contract faculty members are to be hired within the context of the school’s long-term strategic planning for faculty academic programming, which is approved by the Provost. This is true for one-year as well as multi-year contracts.

b. Hiring Practices

Hiring practices for Continuing Contract Faculty shall be transparent and fair. The process shall include involvement of department and school committees and deans, in accordance with school governance processes. Schools are expected to include Continuing Contract Faculty in the hiring process for full-time contract faculty.

Reappointment and Promotion

a. Eligibility and Criteria for Reappointment and Promotion

Faculty appointed under both one-year and multi-year full-time contracts may be eligible for reappointment. Contracts will specify whether this is the case. Schools are encouraged to provide regular written feedback to faculty on multi-year contracts regarding their performance.

Each school shall establish clear processes for reappointment and promotion. Each school shall set exacting standards embodying the highest levels of achievement that ensure the distinct excellence of the school’s educational and training programs. Review for reappointment and promotion shall consider curricular and structural changes and improvements in academic programs. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs.

Where a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a performance review for career development to be conducted within a time framework specified by the school.

b. Reappointment for Multi-Year Full-Time Contracts of Three Years or More

These guidelines distinguish between reappointment processes governing multi-year full-time contracts and one-year full-time contracts.
In the case of multi-year full-time contracts of three years or more, reappointment requires a formal review process. The process shall be conducive to insuring that candidates for reappointment and promotion exhibit the highest level of performance and achievement – whether in teaching, the creative arts, or traditional scholarship and research.

Review for reappointment/non-reappointment is conducted in the penultimate year of the initial term of appointment and shall be completed by the end of that penultimate year. In the event of a decision to reappoint, the Continuing Contract Faculty shall complete the remainder of his/her term and shall be reappointed, normally, for another multi-year term. In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.

Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include:

- a review committee, which is advisory to the Dean and/or unit head, and rules determining how the committee is to be constituted;
- a statement of the academic criteria in the areas of teaching, program development, the creative and performance arts (where appropriate), department and school service, and research and scholarship (where appropriate) that will guide the committee’s evaluation;
- the criteria of assessment in effect at the time, which shall be available to the faculty in print and on the web;
- a published and widely available calendar for department/school-level reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision;
- the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation; and
- the grounds for grievance and appeal as laid out in this document (below, Section V. “Grievance Procedures”).

In addition to formal reviews at the time of potential reappointment, each Continuing Contract Faculty member on a multi-year contract of three years or more shall annually submit to his/her dean an activity report, comparable in scope to reports required of tenured/tenure track faculty (T/TTF) but as appropriate for Continuing Contract Faculty appointments, whose format shall be designed in accordance with school policy as in effect at that time.

In addition, schools may wish to carry out formal performance assessments from time to time in the course of multi-year appointments that are longer than three years.

c. Reappointment for Continuous Service on One-Year or Two-Year Full-Time Contracts

Though no reappointment can proceed without a performance assessment, numerous factors render the sort of formal review appropriate for multi-year appointments inapt in the case of faculty on one- or two-year contracts being considered for reappointment. Each school must formulate a policy that provides for appropriate assessment criteria adequate to determine whether reappointment is warranted. Criteria may include evaluation of classroom performance, review of curricular materials, and the like.
As is the case in multi-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.

Continuing Contract Faculty may be reappointed to a series of one-year or two-year full-time contracts. In the first semester of the third year of continuous appointments, a Continuing Contract Faculty member shall be subject to formal review comparable to those to which faculty members on longer multi-year contracts are subject. The process governing third-year reviews of faculty on continuous contracts shall include:

- a review committee, which is advisory to the dean and/or unit head, and rules determining how the committee is to be constituted;
- a statement of the academic criteria in the areas of teaching, program development, the creative arts (where appropriate), department and school service, and scholarship (where appropriate) that will guide the committee’s evaluation;
- the criteria of assessment in effect at the time, which shall be available to the faculty in print and on the web;
- a published and widely available calendar for department/school-level reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision. Normally, a Continuing Contract Faculty must be notified of the intention not to be reappointed no later than March 1st of the final year of the contract, if the appointment is to be terminated on August 31st. Normally, a Continuing Contract Faculty whose period of appointment is due to terminate on a date other than August 31st must be notified of the intention not to be reappointed no later than 180 days prior to the termination date;
- the grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation); and
- the grounds for grievance and appeal as laid out in this document (below, Section V.).

V. GRIEVANCE PROCEDURES

The purpose of these Guidelines is to establish University procedures by means of which Continuing Contract Faculty can seek redress of their grievances. A grievant must be a faculty member of New York University when he or she initiates the appellate grievance procedure under Section V.e., "Appeal from a Dean’s Decision on Reappointment and Promotion," below.

Principles

Each school shall have a formal and written grievance policy that is widely available and easily accessible to faculty, reflective of the distinctive culture of the school, responsive to the University’s commitment to academic excellence and to its responsibility to provide students with access to an excellent education, and cognizant of its responsibility to faculty to afford them due process and a fair hearing of their complaint. Each such policy must identify who is permitted to grieve, what can be grieved, the grounds upon which grievances are to be judged, and the procedures for doing so.

School policies should also address grievances on other matters such as duties, salaries, perquisites, and working conditions. University compliance and workplace policies govern grievances on a range of additional matters.
Types of Faculty Grievances

Faculty grievances are classified into two main types:

1. Those connected with reappointment or promotion.
2. Those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

Basis for Grievance

All grievances related to reappointment and promotion of Continuing Contract Faculty are restricted to allegations of procedural defects and irregularities.

With respect to grievances related to reappointment and promotion, outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievance must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant. A school’s decision to not undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.

With respect to grievances concerned with other matters, the grievance must allege that the procedures used to reach the decision were improper, or that the case received inadequate consideration.

Who Can Grieve

With respect to grievances related to reappointment and promotion:

A Continuing Contract Faculty member who is not eligible for reappointment cannot grieve a decision not to reappoint.

Individuals on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed do have a right to grieve the process in the event it leads to a negative decision with respect to reappointment or promotion or the terms of reappointment or promotion; and they are entitled to grieve in the event they are denied reappointment without review for reasons other than elimination of the position.

Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event the third-year review process leads to a negative decision; and they are entitled to grieve the process in the event they are not reappointed after a third year review when a review had been explicitly promised in connection with the possibility of reappointment subject to it, but was not undertaken for reasons other than elimination of the position.

Continuing Contract Faculty who are subject to a review process to determine whether they are to be promoted have a right to grieve the process in the event it leads to a negative decision.

With respect to grievances related to other matters:
All Continuing Contract Faculty, including faculty on one-year appointments, are eligible to grieve.

The School Grievance Process

It is expected that most grievance cases, particularly those concerned with matters such as duties, salaries, perquisites, and working conditions, will be settled within each school or faculty. The schools and faculties have wide latitude in establishing procedures to meet their needs.

In the case of all grievances, attempts shall be made to settle the dispute by informal discussions between the concerned parties, possibly with the assistance of mediators.

If a faculty member’s grievance is not settled informally at a level below the Dean, or by the Dean himself or herself, the faculty member may appeal to the Dean to convocate the grievance committee of the school or faculty. 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. The faculty grievance committee(s) shall not include departmental chairpersons or department heads or any faculty member whose primary assignment is administrative.

The Dean shall convocate the committee within fifteen working days of receiving the faculty member’s appeal. In any instance in which the Dean has not so convoked the grievance committee, the faculty member has the right to bring it to the attention of the Office of the Provost (or Executive Vice President for Health for matters involving the School of Medicine and the Faculty of Health). An exception to this may be made only with the consent of the grievant, the Dean, and the Provost (or Executive Vice President for Health).

The grievance committee does not judge the professional merits of the case, but considers the grounds specified above (“Basis for Grievance”). After obtaining the recommendation of the grievance committee, the dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his or her decision, together with reasons therefore, and information on the procedure for appeal.

Appeal from a Dean’s Decision on Reappointment or Promotion

Appeals from a Dean’s decision can be made only on the following grounds: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.

A faculty member intending to make such an appeal shall indicate such intention in writing to the Provost (or Executive Vice President for Health), specifying all grounds for and materials in support of the appeal within 15 days after receiving written notification of the dean’s decision. An exception to this may be made only with the consent of the grievant, the Dean, and the Provost (or Executive Vice President for Health).

Where such an appeal is made, the Dean shall transmit to the Provost (or Executive Vice President for Health) a report of the proceedings in the case at its earlier stages. The Provost (or Executive Vice
President for Health) shall in each case obtain the advice of an ad hoc advisory committee – Continuing Contract Faculty Grievance Committee - drawn from a standing committee that shall consist of the members of the C-FSC Grievance Committee and the T-FSC Grievance Committee; in each case committee members shall be selected by the relevant faculty senators council but need not necessarily be members of the particular council. The Continuing Contract Faculty Grievance Advisory Committee shall consist of three members, none of whom are from the grievant’s school: one from the C-FSC standing Grievance Committee, one from the T-FSC standing Grievance Committee, and one senior administrator selected by the Steering Committee of the C-FSC.

The Continuing Contract Faculty Grievance Advisory Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations preferably within 30 days of the close of the hearing, but in any case within sixty 60 days. The Continuing Contract Faculty Grievance Advisory Committee shall at all times follow the requisites of fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case, the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.

The Continuing Contract Faculty Grievance Advisory Committee shall not judge professional merits, but only ascertain whether procedural safeguards (as referenced above in “Basis for Grievances”) have been observed. Evidence that a decision appealed is so arbitrary that it has no rational foundation may be considered on the issue of “inadequate consideration.”

After receiving the advice of the Continuing Contract Faculty Grievance Advisory Committee, the Provost (or Executive Vice President for Health) shall decide the case, and notify the grievant, the Dean and the Chairperson of the Continuing Contract Faculty Grievance Advisory Committee. If the advice of the latter is not followed, the reasons shall be reported with the decision. The decision of the Provost (or Executive Vice President for Health) is final and subject to no further review.

**Appeal from a Dean’s Decision on Matters Such as Duties, Salaries, Perquisites, and Working Conditions**

Where such an appeal is desired by a Continuing Contract faculty member, and the Provost of the University (or Executive Vice President for Health) is so informed within 15 days after the faculty member is notified of the dean’s decision, the Provost (or Executive Vice President for Health) shall make informal procedures available.

Appeals from a Dean’s decision can be made only on the following grounds: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.

**VI. GENERAL DISCIPLINARY REGULATIONS**

**General and Particular Obligations**

All faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic community.
In particular, the faculty member is obligated to comply with the standards of academic freedom as outlined in this statement. Disciplinary action may follow when the faculty member engages in other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University, and so forth.

**Disciplinary Procedures**

The following procedure is applicable where a question arises concerning an alleged violation by any member of the Full-Time Continuing Contract faculty of a rule or regulation of the University.

- **Who may file a complaint:** Any officer of the University, any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty for conduct prohibited by the rules and regulations of the University, or its schools, colleges, and departments.

- **Summary suspension:** Summary suspension pending investigation and hearing is an extraordinary remedy, but nothing in this statement shall be interpreted as precluding such action by the President and Chancellor or the Provost (or Executive Vice President for Health) or the dean of the college, school, or division involved with the assent of the President and Chancellor or Provost or Executive Vice President for Health, whenever, in the judgment of either, suspension is necessary in the interest of the University community.

- **Where to file a complaint:** The complaint shall be filed with the Dean of the faculty member’s school, except that a complaint against the dean who is also a Full-Time Continuing Contract faculty member shall be filed with the Provost (or Executive Vice President for Health). Complaints must be filed within a reasonable time after an alleged violation.

- **Informal resolution at school level:** When a complaint is filed against a member of the faculty, an effort shall be made to resolve the matter informally under the direction of the Dean of the member’s school, including an opportunity for the respondent to respond to the allegations. Where the charge is against the dean as a faculty member, the informal effort shall be under the direction of the Provost (or Executive Vice President for Health). Where the matter cannot be resolved in this manner, disciplinary proceedings shall proceed.

- **School advisory committee:** The Dean shall refer the matter, with all pertinent information to an advisory committee of the faculty. The committee may be an ad hoc committee or a standing committee, and must consist of three or more members elected by voting members of the faculty. Where practicable, two or more shall be members of the Continuing Contract Faculty who have seniority in rank and/or years of service at the University; at least one shall be from the tenured faculty; and none shall have a conflict or appearance of conflict in reviewing the matter. The committee shall not include departmental chairpersons or departmental heads or any faculty whose primary assignment is administrative.

- **Procedures and authority of school advisory committee:** The committee shall serve as an advisory committee to the Dean. It will review the existing file with respect to the complaint and provide a report of findings and recommendations for penalties, which may include a dissenting opinion as appropriate. The report can also recommend that the Dean conduct a further review on specific matters before the Dean issues a determination. The committee shall complete its review and report to
the Dean within thirty calendar days of being charged with its task, except where exigent circumstances apply. The Dean shall make a determination and implement disciplinary sanctions within thirty calendar days of receiving the committee report, except where exigent circumstances apply. If the committee does not complete its work within thirty calendar days, the Dean shall implement disciplinary sanction(s) on the basis of the existing file within thirty calendar days of the committee’s deadline. If the Dean conducts a further review on specific matters before rendering a decision, the Dean shall have an additional thirty calendar days from the date of the committee’s report to reach his or her decision, except where exigent circumstances apply.

- List of penalties: Penalties for violations of the rules and regulations of the University, or its schools, colleges, and departments shall include, but are not limited to, the following:
  
  a. Reprimand
  b. Censure
  c. Removal of privileges
  d. Suspension
  e. Dismissal

- Appeal: A faculty member may appeal the decision by the Dean to impose the penalty of suspension or dismissal. Such appeal shall be to the Provost (or Executive Vice President for Health). Penalties shall be in place pending appeal. Grounds for an appeal shall be that: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member. Any such appeal must be made to the Provost (or Executive Vice President for Health) within fifteen calendar days after receipt of notice of the decision of the Dean.

- In deciding the appeal, the Provost (or Executive Vice President for Health) may affirm or reverse the decision of the Dean or may increase or decrease the sanction imposed as the interests of substantial justice appear to him or her to require. The Provost (or Executive Vice President for Health) may consult with such individuals or groups as he or she deems appropriate, and may remand the case for further investigation by the Dean. The Provost (or Executive Vice President for Health) shall make a decision within thirty calendar days, except where exigent circumstances apply. [Where scientific misconduct is at issue, the Provost (or Executive Vice President for Health) may also remand the case to the Dean of the appropriate school with a request for a new or further fact-finding by the same or a new committee, appointed in accordance with the provisions of the rules governing such cases.] If the Provost (or Executive Vice President for Health) remands the case to the Dean, the Dean shall have 30 days from the day the case is remanded to submit a report and recommendations to the Provost (or Executive Vice President for Health), who shall have 30 days to reach his or her decision.
UNIVERSITY GUIDELINES FOR
FULL-TIME CONTINUING CONTRACT FACULTY APPOINTMENTS
INCLUDING GRIEVANCE PROCEDURES AND DISCIPLINARY REGULATIONS

I. INTRODUCTION

Full-Time Continuing Contract Faculty are a distinct and important part of the University academic community and contribute significantly to the University’s academic missions. School policies applicable to this group of faculty shall recognize the contributions they make to the University’s commitment to teaching excellence, traditional research, and other forms of scholarly and artistic achievement, as well as University service.

II. FORMULATION OF SCHOOL POLICIES

Each school governed by these Guidelines is required to establish its own policies governing the appointment, review, and reappointment of Continuing Contract Faculty consistent with school culture and history, and sensitive to the diversity of Continuing Contract Faculty roles and responsibilities in the school. These policies must contain a comprehensive set of procedures that conform to the general principles set forth herein, and must appear in a document that is readily available (in print and on the web) to all faculty members of the school.

In response to these guidelines and as appropriate thereafter, schools shall formulate and/or amend their policies in accordance with existing school governance processes and with the expectation that Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit. Policies on Continuing Contract Faculty developed or amended by the school according to such procedures will be reviewed by the Provost to determine whether the procedures applied in their formulation and manner of adoption have provided for adequate deliberation and representation of the view of the school’s faculty taken as a whole, and 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.

Newly formulated or amended school policies governing the hiring, review, and reappointment of Continuing Contract Faculty are effective and binding only upon approval of the Provost, who in reaching his or her decision shall consult with the Tenured/Tenure Track Faculty Senators Council (T-FSC) and the Continuing Contract Faculty Senators Council (C-FSC).

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1 At this time, this document does not apply to NYU’s health professional schools (Medicine, and the Faculty of Health; Dentistry, and Nursing, College of Global Public Health) or to NYU’s portal campuses in Shanghai and Abu Dhabi. However, these schools are expected to embrace the spirit and values reflected in these guidelines, and to adopt policies accordingly.

2 All policies must be consistent with the University’s Bylaws and with actions of the University’s Board of Trustees.

Revised April 26, 2016 to more fully develop grievance procedures and incorporate disciplinary regulations.
Each school shall establish a formal process for conducting a five-year review of the school policy initially approved under these guidelines and for successive reviews of the policy and its implementation periodically thereafter. This review shall include a written report from the school dean to the Provost, who shall consider both the substance of the policy as well as its implementation.

III. TITLES AND TERMS OF EMPLOYMENT

Scope of These Guidelines

These Guidelines apply to Full-Time Continuing Contract Faculty as they are defined in University Bylaws, Section 87(a), Full-Time Continuing Contract Faculty Appointments. Continuing Contract Faculty “are faculty who are not Tenured/Tenure Track Faculty and who: (i) have full-time appointments at the University; (ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion within the appointment category, such as from Assistant to Associate, may be required for renewal); and (iii) are not visiting faculty (including persons who have tenure or are on the tenure track at another institution and persons who are on leave from another institution or company.)

Titles for Continuing Contract Faculty

Continuing Contract Faculty have an array of titles, which may vary depending on the school, and which may overlap with Other Faculty titles (see University Bylaws, Section 88, Other Faculty). Continuing Contract Faculty are to be appointed using academic titles from among appropriate titles set forth in University Bylaws at that time and listed among Nontenure Positions (University Bylaws, Section 89, Nontenure Positions). Schools seeking to create materially different academic titles designed to convey Continuing Contract Faculty status must secure the approval of the Provost, who shall consult with the T-FSC and the C-FSC and make a recommendation to the Board of Trustees to amend the Bylaws accordingly.

Written Contracts

Each Continuing Contract Faculty appointment is to be secured by a written contract, specifying a fixed term, signed by the parties to it, and filed with the school Dean and the University Office of Academic Appointments prior to commencement of employment.

Such contracts shall include the following terms negotiated between the faculty member and the appropriate administrator with the authority to do so, and approved by the Dean:

- start and end dates of the appointment;
- an indication of whether the faculty member is eligible to be considered for reappointment upon conclusion of the current contract;
- academic responsibilities, compensation, and obligations of the appointment;
- particular responsibilities and benefits; and
- agreement to be bound by applicable University policies.

In accordance with University Bylaws, Section 87(b), Contracts and Titles, the appointment of Continuing Contract Faculty automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal. By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by a school’s taking affirmative action to do so.
Areas of Responsibility

Responsibilities and assignments for Continuing Contract Faculty vary from school to school and within schools and are normally differentiated by title. Each school shall define and prioritize the responsibilities associated with Continuing Contract Faculty positions and establish performance expectations.

Responsibilities associated with Continuing Contract Faculty appointments typically include some but not necessarily all of the following and need not be restricted to them:

- teaching including, but not limited to, classroom instruction;
- scholarship including, but not limited to, for example, research, publications, creative productions, and performances;
- student advising;
- service including, but not limited to, service to the University community and within and to one’s profession; and
- additional academic roles and administrative responsibilities that contribute to the school’s or University’s educational, research, and service missions.

Participation in School Governance

In accordance with University Bylaws, Section 82(c), Faculty Membership, College and School Governance, the Continuing Contract Faculty of a school may hold its 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.

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.

Transfer between Continuing Contract Faculty and Tenured or Tenure Track Appointments

While not prohibited, Continuing Contract Faculty appointments are not normally convertible to tenure track appointments. In rare cases, and then only with provostial approval, a school may choose to convert a non-tenure track position into a tenure track one 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 contractee was not selected for the tenured or tenure track appointment. However, no school policy may prohibit a Continuing Contract Faculty member from applying for and being considered for any tenure track opening that arises within his or her school or elsewhere in the University; nor may any school policy treat his or her doing so with prejudice.

IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT

Excellence in Faculty Appointments

Appointment processes for Continuing Contract Faculty shall reflect the University’s overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each Continuing Contract Faculty appointment and reappointment shall be evaluated in
the light of the contribution it makes to the distinct excellence of the school, including its educational and training programs, and shall exemplify the University’s commitment to appoint and retain the best faculty in all disciplines.

**Hiring Plan and Process**

a. **Duration of Contracts**

Continuing Contract Faculty appointments that provide for the possibility of extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts may be programmatically and academically desirable in a number of schools and academic programs within schools; school policies shall include a rationale for a Continuing Contract Faculty title(s) that carries a one-year appointment.

Full-time contract faculty members are to be hired within the context of the school’s long-term strategic planning for faculty academic programming, which is approved by the Provost. This is true for one-year as well as multi-year contracts.

b. **Hiring Practices**

Hiring practices for Continuing Contract Faculty shall be transparent and fair. The process shall include involvement of department and school committees and deans, in accordance with school governance processes. Schools are expected to include Continuing Contract Faculty in the hiring process for full-time contract faculty.

**Reappointment and Promotion**

a. **Eligibility and Criteria for Reappointment and Promotion**

Faculty appointed under both one-year and multi-year full-time contracts may be eligible for reappointment. Contracts will specify whether this is the case. Schools are encouraged to provide regular written feedback to faculty on multi-year contracts regarding their performance.

Each school shall establish clear processes for reappointment and promotion. Each school shall set exacting standards embodying the highest levels of achievement that ensure the distinct excellence of the school’s educational and training programs. Review for reappointment and promotion shall consider curricular and structural changes and improvements in academic programs. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs.

Where a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a performance review for career development to be conducted within a time framework specified by the school.

b. **Reappointment for Multi-Year Full-Time Contracts of Three Years or More**

These guidelines distinguish between reappointment processes governing multi-year full-time contracts and one-year full-time contracts.
In the case of multi-year full-time contracts of three years or more, reappointment requires a formal review process. The process shall be conducive to insuring that candidates for reappointment and promotion exhibit the highest level of performance and achievement – whether in teaching, the creative arts, or traditional scholarship and research.

Review for reappointment/non-reappointment is conducted in the penultimate year of the initial term of appointment and shall be completed by the end of that penultimate year. In the event of a decision to reappoint, the Continuing Contract Faculty shall complete the remainder of his/her term and shall be reappointed, normally, for another multi-year term. In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.

Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include:

- a review committee, which is advisory to the Dean and/or unit head, and rules determining how the committee is to be constituted;
- a statement of the academic criteria in the areas of teaching, program development, the creative and performance arts (where appropriate), department and school service, and research and scholarship (where appropriate) that will guide the committee’s evaluation;
- the criteria of assessment in effect at the time, which shall be available to the faculty in print and on the web;
- a published and widely available calendar for department/school-level reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision;
- the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation; and
- the grounds for grievance and appeal as laid out in this document (below, Section V. “Grievance Procedures”).

In addition to formal reviews at the time of potential reappointment, each Continuing Contract Faculty member on a multi-year contract of three years or more shall annually submit to his/her dean an activity report, comparable in scope to reports required of tenured/tenure track faculty (T/TTF) but as appropriate for Continuing Contract Faculty appointments, whose format shall be designed in accordance with school policy as in effect at that time.

In addition, schools may wish to carry out formal performance assessments from time to time in the course of multi-year appointments that are longer than three years.

c. Reappointment for Continuous Service on One-Year or Two-Year Full-Time Contracts

Though no reappointment can proceed without a performance assessment, numerous factors render the sort of formal review appropriate for multi-year appointments inapt in the case of faculty on one- or two-year contracts being considered for reappointment. Each school must formulate a policy that provides for appropriate assessment criteria adequate to determine whether reappointment is warranted. Criteria may include evaluation of classroom performance, review of curricular materials, and the like.
As is the case in multi-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.

Continuing Contract Faculty may be reappointed to a series of one-year or two-year full-time contracts. In the first semester of the third year of continuous appointments, a Continuing Contract Faculty member shall be subject to formal review comparable to those to which faculty members on longer multi-year contracts are subject. The process governing third-year reviews of faculty on continuous contracts shall include:

- a review committee, which is advisory to the dean and/or unit head, and rules determining how the committee is to be constituted;
- a statement of the academic criteria in the areas of teaching, program development, the creative arts (where appropriate), department and school service, and scholarship (where appropriate) that will guide the committee’s evaluation;
- the criteria of assessment in effect at the time, which shall be available to the faculty in print and on the web;
- a published and widely available calendar for department/school-level reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision. Normally, a Continuing Contract Faculty must be notified of the intention not to be reappointed no later than March 1st of the final year of the contract, if the appointment is to be terminated on August 31st. Normally, a Continuing Contract Faculty whose period of appointment is due to terminate on a date other than August 31st must be notified of the intention not to be reappointed no later than 180 days prior to the termination date;
- the grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation); and
- the grounds for grievance and appeal as laid out in this document (below, Section V.).
V. GRIEVANCES RELATED TO REAPPOINTMENT AND PROMOTION OF CONTINUING CONTRACT FACULTY

GRIEVANCE PROCEDURES

The purpose of these Guidelines is to establish University procedures by means of which Continuing Contract Faculty can seek redress of their grievances. A grievant must be a faculty member of New York University when he or she initiates the appellate grievance procedure under Section V.e., "Appeal from a Dean’s Decision on Reappointment and Promotion," below.

Principles

Each school shall have a formal and written grievance policy that is widely available and easily accessible to faculty, reflective of the distinctive culture of the school, responsive to the University’s commitment to academic excellence and to its responsibility to provide students with access to an excellent education, and cognizant of its responsibility to faculty to afford them due process and a fair hearing of their complaint. Each such policy must identify who is permitted to grieve, what can be grieved, the grounds upon which grievances are to be judged, and the procedures for doing so.

To guide the schools, these Guidelines set forth and clarify applicable University policy and processes with respect to reappointment of Continuing Contract Faculty. These guidelines complement the Faculty Grievance Procedures, cited in the Faculty Handbook, which apply to tenured tenure track faculty. The following guidelines for grievances related to reappointment and promotion of Continuing Contract Faculty are similar to those Procedures but clarify who can grieve, and provide for the participation of Continuing Contract Faculty on school grievance committees and in the appeal process.

School policies should also address grievances on other matters such as duties, salaries, perquisites, and working conditions. University compliance and workplace policies govern grievances on a range of additional matters.

Types of Faculty Grievances

Faculty grievances are classified into two main types:

1. Those connected with reappointment or promotion.
2. Those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

Basis for Grievances Relating to Reappointment and Promotion

All grievances related to reappointment and promotion of Continuing Contract Faculty are restricted to allegations of procedural defects and irregularities.

With respect to grievances related to reappointment and promotion, outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievance must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant. A school’s decision to not undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.
With respect to grievances concerned with other matters, the grievance must allege that the procedures used to reach the decision were improper, or that the case received inadequate consideration.

Who Can Grieve

With respect to grievances related to reappointment and promotion:

A Continuing Contract Faculty member whose contract is non-renewable or who is not eligible for reappointment cannot grieve a decision not to reappoint.

Individuals on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed do have a right to grieve the process in the event it leads to a negative decision with respect to reappointment or promotion or the terms of reappointment or promotion; and they are entitled to grieve in the event they are denied reappointment without review for reasons other than elimination of the position.

Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event the third-year review process leads to a negative decision; and they are entitled to grieve the process in the event they are not reappointed after a third year review when a review had been explicitly promised in connection with the possibility of reappointment subject to it, but was not undertaken for reasons other than elimination of the position.

Continuing Contract Faculty who are subject to a review process to determine whether they are to be promoted have a right to grieve the process in the event it leads to a negative decision.

With respect to grievances related to other matters:

All Continuing Contract Faculty, including faculty on one-year appointments, are eligible to grieve.

The School Grievance Process

It is expected that most grievance cases, particularly those concerned with matters such as duties, salaries, perquisites, and working conditions, will be settled within each school or faculty. The schools and faculties have wide latitude in establishing procedures to meet their needs.

In the case of all grievances, it is expected that most grievance cases shall be settled within each school; and that attempts shall be made to settle the dispute by informal discussions between the concerned parties, possibly with the assistance of mediators.

If a faculty member’s grievance is not settled informally at a level below the Dean, or by the Dean himself or herself, the faculty member may appeal to the Dean to convene the grievance committee of the school or faculty. 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. The faculty grievance committee(s) shall not include departmental chairpersons or department heads or any faculty member whose primary assignment is administrative.
The Dean shall convoke the committee within fifteen working days of receiving the faculty member’s appeal. In any instance in which the Dean has not so convoked the grievance committee, the faculty member has the right to bring it to the attention of the Office of the Provost (or Executive Vice President for Health for matters involving the School of Medicine and the Faculty of Health). An exception to this may be made only with the consent of the grievant, the Dean, and the Provost (or Executive Vice President for Health).

The grievance committee does not judge the professional merits of the case, but considers the grounds specified above (“Basis for Grievance” Related to Reappointment and Promotion). After obtaining the recommendation of the grievance committee, the dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his or her decision, together with reasons therefore, and information on the procedure for appeal.

**Appeal from a Dean’s Decision on Reappointment or Promotion**

Appeals from a Dean’s decision can be made only on the following grounds: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.

A faculty member intending to make such an appeal shall indicate such intention in writing to the Provost (or Executive Vice President for Health), specifying all grounds for and materials in support of the appeal within 15 days after receiving written notification of the dean’s decision. An exception to this may be made only with the consent of the grievant, the Dean, and the Provost (or Executive Vice President for Health).

Where such an appeal is made, the Dean shall transmit to the Provost (or Executive Vice President for Health) a report of the proceedings in the case at its earlier stages. The Provost (or Executive Vice President for Health) shall in each case obtain the advice of an ad hoc advisory committee – Continuing Contract Faculty Grievance Committee - drawn from a standing committee that shall consist of the members of the C-FSC Grievance Committee and the T-FSC Grievance Committee; in each case committee members shall be selected by the relevant faculty senators council but need not necessarily be members of the particular council. The Continuing Contract Faculty Grievance Advisory Committee shall consist of three members, none of whom are from the grievant’s school: one from the C-FSC standing Grievance Committee, one from the T-FSC standing Grievance Committee, and one senior administrator selected by the Steering Committee of the C-FSC.

The Continuing Contract Faculty Grievance Advisory Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations preferably within 30 days of the close of the hearing, but in any case within sixty 60 days. The Continuing Contract Faculty Grievance Advisory Committee shall at all times follow the requisites of fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case, the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.

The Continuing Contract Faculty Grievance Advisory Committee shall not judge professional merits, but only ascertain whether procedural safeguards (as referenced above in “Basis for Grievances”) have been observed. Evidence that a decision appealed is so arbitrary that it has no rational foundation may be
considered on the issue of “inadequate consideration.”

After receiving the advice of the Continuing Contract Faculty Grievance Advisory Committee, the Provost (or Executive Vice President for Health) shall decide the case, and notify the grievant, the Dean and the Chairperson of the Continuing Contract Faculty Grievance Advisory Committee. If the advice of the latter is not followed, the reasons shall be reported with the decision. The Provost’s decision of the Provost (or Executive Vice President for Health) is final and subject to no further review.

Appeal from a Dean’s Decision on Matters Such as Duties, Salaries, Perquisites, and Working Conditions

Where such an appeal is desired by a Continuing Contract faculty member, and the Provost of the University (or Executive Vice President for Health) is so informed within 15 days after the faculty member is notified of the dean’s decision, the Provost (or Executive Vice President for Health) shall make informal procedures available.

Appeals from a Dean’s decision can be made only on the following grounds: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.

VI. GENERAL DISCIPLINARY REGULATIONS

General and Particular Obligations

All faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic community.

In particular, the faculty member is obligated to comply with the standards of academic freedom as outlined in this statement. Disciplinary action may follow when the faculty member engages in other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University, and so forth.

Disciplinary Procedures

The following procedure is applicable where a question arises concerning an alleged violation by any member of the Full-Time Continuing Contract faculty of a rule or regulation of the University.

- Who may file a complaint: Any officer of the University, any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty for conduct prohibited by the rules and regulations of the University, or its schools, colleges, and departments.

- Summary suspension: Summary suspension pending investigation and hearing is an extraordinary remedy, but nothing in this statement shall be interpreted as precluding such action by the President and Chancellor or the Provost (or Executive Vice President for Health) or the dean of the college, school, or division involved with the assent of the President and Chancellor or Provost or Executive
Vice President for Health, whenever, in the judgment of either, suspension is necessary in the interest of the University community.

- Where to file a complaint: The complaint shall be filed with the Dean of the faculty member’s school, except that a complaint against the dean who is also a Full-Time Continuing Contract faculty member shall be filed with the Provost (or Executive Vice President for Health). Complaints must be filed within a reasonable time after an alleged violation.

- Informal resolution at school level: When a complaint is filed against a member of the faculty, an effort shall be made to resolve the matter informally under the direction of the Dean of the member’s school, including an opportunity for the respondent to respond to the allegations. Where the charge is against the dean as a faculty member, the informal effort shall be under the direction of the Provost (or Executive Vice President for Health). Where the matter cannot be resolved in this manner, disciplinary proceedings shall proceed.

- School advisory committee: The Dean shall refer the matter, with all pertinent information to an advisory committee of the faculty. The committee may be an ad hoc committee or a standing committee, and must consist of three or more members elected by voting members of the faculty. Where practicable, two or more shall be members of the Continuing Contract Faculty who have seniority in rank and/or years of service at the University; at least one shall be from the tenured faculty; and none shall have a conflict or appearance of conflict in reviewing the matter. The committee shall not include departmental chairpersons or departmental heads or any faculty whose primary assignment is administrative.

- Procedures and authority of school advisory committee: The committee shall serve as an advisory committee to the Dean. It will review the existing file with respect to the complaint and provide a report of findings and recommendations for penalties, which may include a dissenting opinion as appropriate. The report can also recommend that the Dean conduct a further review on specific matters before the Dean issues a determination. The committee shall complete its review and report to the Dean within thirty calendar days of being charged with its task, except where exigent circumstances apply. The Dean shall make a determination and implement disciplinary sanctions within thirty calendar days of receiving the committee report, except where exigent circumstances apply. If the committee does not complete its work within thirty calendar days, the Dean shall implement disciplinary sanction(s) on the basis of the existing file within thirty calendar days of the committee’s deadline. If the Dean conducts a further review on specific matters before rendering a decision, the Dean shall have an additional thirty calendar days from the date of the committee’s report to reach his or her decision, except where exigent circumstances apply.

- List of penalties: Penalties for violations of the rules and regulations of the University, or its schools, colleges, and departments shall include, but are not limited to, the following:
  a. Reprimand
  b. Censure
  c. Removal of privileges
  d. Suspension
  e. Dismissal

- Appeal: A faculty member may appeal the decision by the Dean to impose the penalty of suspension or dismissal. Such appeal shall be to the Provost (or Executive Vice President for Health). Penalties shall be in place pending appeal. Grounds for an appeal shall be that: a) that the procedures used to
reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member. Any such appeal must be made to the Provost (or Executive Vice President for Health) within fifteen calendar days after receipt of notice of the decision of the Dean.

- In deciding the appeal, the Provost (or Executive Vice President for Health) may affirm or reverse the decision of the Dean or may increase or decrease the sanction imposed as the interests of substantial justice appear to him or her to require. The Provost (or Executive Vice President for Health) may consult with such individuals or groups as he or she deems appropriate, and may remand the case for further investigation by the Dean. The Provost (or Executive Vice President for Health) shall make a decision within thirty calendar days, except where exigent circumstances apply. [Where scientific misconduct is at issue, the Provost (or Executive Vice President for Health) may also remand the case to the Dean of the appropriate school with a request for a new or further fact-finding by the same or a new committee, appointed in accordance with the provisions of the rules governing such cases.] If the Provost (or Executive Vice President for Health) remands the case to the Dean, the Dean shall have 30 days from the day the case is remanded to submit a report and recommendations to the Provost (or Executive Vice President for Health), who shall have 30 days to reach his or her decision.
Recommendations Of
The Continuing Contract Faculty Senators Council
In Regard To:

NYU CUSP (Center for Urban Science and Progress)
POLICY ON FULL-TIME NON-TENURE TRACK CONTRACT FACULTY
(FTNTT/CF)

Background
From a letter dated November 6, 2015, sent by Provost David McLaughlin:

“CUSP was established in 2012 with an award from the NYC Economic Development Corporation. A University-wide center, CUSP is authorized to make appointments of FTNTT/CF faculty and to offer cross appointments to T/TT faculty with primary appointments in NYU schools. As a new unit, CUSP has made only a couple of FTNTT/CF appointments. Accordingly, the policy was primarily formulated by the office of the Director. The terms of the award require CUSP to report to the EDC on the size and composition of its faculty. Finalizing the CUSP policy at this time – even before there is a full quorum of faculty – is necessary to allow CUSP to properly appoint and report on its faculty to the EDC.

“As is the case with all such policies, CUSP worked together with my office and the Office of General Counsel 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 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.

“As is our practice, I will consider the Councils' comments in consultation with CUSP before finalizing the document. Please let me know if you have questions that my office can address to facilitate your review, and feel free to consult Professor Koonin. Thank you for your prompt attention to this document.”

The following document consists of recommendations made jointly by the C- FSC Personnel Policies & Contract Issues Committee in an effort to improve the NYU CUSP Policy On Full-Time Non-Tenure Track Contract Faculty (FTNTT/CF) and to ensure its compliance with the University Guidelines For Full-Time Non-Tenure Track/Contract Faculty Appointments.
Recommendations

Substantive Major Recommendations:

1. The New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, issued June 12, 2014, page 1, Section II. Formulation of School Policies, paragraph 2, sentence 1, state:

“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 FTNTT/CF 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 CUSP faculty. It is our understanding that no consultation was made with the CUSP 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 Non-Tenure/Contract Faculty, allowing the CUSP faculty, acting, according to its charter or its faculty governance structure, through its Faculty Assembly or similar body, 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 faculty charter or governance structure, should be included and stated explicitly.

2. CHANGES TO POLICY

The policy should follow the letter and the spirit contained in the New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, issued June 12, 2014, page 1, Section II. Formulation of School Policies, paragraph 2, sentence 1, which state:

“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 FTNTT/CF shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

Recommendation:

Add the following:

“Any amendment to this Policy must be in writing, submitted in advance to the CUSP contract faculty for discussion, for the possibility for amendments, and for a vote at a regularly scheduled Faculty Assembly or faculty meeting, following the Faculty Charter or shared governance structure.”
structure.”

3. PROFESSIONAL DEVELOPMENT

Recommendation

“Where professional, scholarly and/or creative is required for reappointment and promotion, professional development funds and research leave eligibility 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.”

4. Introduction, Page 3

Recommendation

Knowledge of roles and responsibilities should come from the contract, not from the Deputy Director. This needs to be clearly stated. Also, the following passage needs to be deleted:

“FTNTT/CF faculty are encouraged to work directly with their cognizant Deputy Director to understand their individual roles and responsibilities, identify opportunities for professional development and contribute to the excellence of the Center for Urban Science and Progress.”

5. III. Titles and Terms of Employment
D. Titles and Areas of Responsibility for FTNTTICF, Page 3

“Full-time Non-Tenure Track Contract Faculty are experienced practitioners, teachers and researchers in their areas of specialization. At CUSP, the FTNTT/CF title is: Professor of Practice. The Professor of Practice's primary role involves teaching, student advising, and mentoring. The normal teaching load for Professors of Practice is up to six courses per year, although responsibility for coordination of the Masters students' intensive project course may reduce the classroom teaching load. Teaching faculty are expected to develop and create innovative curriculum and new course syllabi and engage in program review, accreditation compliance and assessment of curricula. Faculty appointed with this title will possess advanced academic credentials, will be full-time members of CUSP, and will have a demonstrated interest in pedagogy. Titles may include assistant professor of practice, associate professor of practice, or professor of practice.”

Clarification Needed

Is there a teaching load baseline of 6 courses, or not? A range does not express a norm. Moreover, this section is unclear. What kind of mentoring will be offered? Research? Career? How does in differ from advising? How often are faculty expected to develop and create innovative curriculum and new course syllabi? We recommend that the phrase, “expected to develop and create innovative curriculum and new course syllabi…” be replaced with “encouraged to develop…” Indicate advanced academic credentials: MA, MS, or PhD.
6. CONTRACT FACULTY AND TENURED FACULTY DISTINCTION

Recommendation

As CUSP contract faculty are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations. Add the following,

“Continuing Faculty lines differ from tenure-track lines. “Continuing Contract Faculty lines are typically multiyear and differ from tenure lines at the School in the following ways: [identify the differences].

7. III. B. Terms of Employment, Page 3

“Each full-time contract faculty appointment is to be secured by a written contract, specifying a fixed term, signed by the parties to it, and filed with the University Office of Academic Appointments prior to commencement of employment. Such contracts shall include the following terms negotiated between the faculty member and the appropriate administrator with the authority to do so, and approved by the Director of CUSP.

- start and end dates of the appointment;
- an indication of whether the faculty member is eligible to be considered for reappointment upon conclusion of the current contract;
- academic responsibilities, compensation, and obligations of the appointment;
- particular responsibilities and benefits; and
- agreement to be bound by applicable University policies.”

Recommendation

Explicitly state the academic responsibilities, compensations, and obligations of the appointment and spell out the particular responsibilities and benefits.

8. III C. Duration of Contracts, Page 4

“Within the framework of CUSP's long term staffing plans, extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. As such, CUSP F1NTI/CF appointments will typically be secured by a three-year contract with renewable terms, unless a one-year renewable contract is more appropriate based on CUSP's academic curricular needs.”

Recommendation

To satisfy the requirement, as stated in the “University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments,” that “school policies shall include a rationale for a FTNTT/CF title(s) that carries a one-year appointment,” add the following language:
“If a one-year contract is adopted, the CUSP dean must supply a written justification, based on programmatic and academic considerations to the faculty or the faculty governance body.”

9. III C. Duration of Contracts, Page 4

“As such, CUSP FTNTT/CF appointments will typically be secured by a three-year contract with renewable terms,…”

Recommendation

The word “typically” needs to be deleted, unless the contract may be longer than three years, in which case, the statement should read “As such, CUSP FTNT/CF appointments will be secured by a three-year contract (or longer) with renewable terms,…”

10. IV. Hiring, Reappointment, and Promotion

“Appointment processes for FTNIT/CF reflect CUSP's overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each FTNTT/CF appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of CUSP including its educational and research programs, and shall exemplify the university's commitment to appoint and retain the best faculty in all disciplines.”

Recommendation

If a Contract Faculty member is not engaged in research, how will they contribute to the research programs?

11. IV. Hiring and Promotion, A. Eligibility and Criteria for Reappointment and Promotion, Page 4

“Faculty appointed under three-year full-time contracts may be eligible for reappointment. CUSP contracts will specify whether this is the case. CUSP will provide regular written feedback to faculty on three-year contracts regarding their performance based on standards embodying the highest levels of achievement. However, even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular, structural, or financial changes.”

Recommendation

The policy should indicate that curricular or structural changes do not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining whether the professor can or cannot teach under the new curriculum or structure. Add the following language after the penultimate sentence (paraphrased from the Tisch Teachers Contract Faculty Policy, 2014 and the Gallatin Contract Faculty Policy, 2015):
“In such event, the review would focus on whether the CUSP professor would be able to teach in the revised curriculum or academic structure and, if so, in what capacity.”

Recommendation

Specification of framework needed.

12. IV. Hiring and Promotion
B. Reappointment/or Three-Year Contracts, Page 4

“Reappointment requires a formal review process. The process shall be conducive to insuring that candidates for reappointment and promotion exhibit the highest level of performance and achievement -whether in teaching, or traditional research and scholarship.”

Recommendation

Delete the word “whether.” And add the word service so that the sentence reads, “in teaching, service, or if applicable, traditional research and scholarship.”

Will the candidate be reviewed only on teaching or only on research and scholarship? Evaluative measures are unclear. Add “See Appendix B.”

13. ADMINISTRATIVE DUTIES -- REAPPOINTMENT OR PROMOTION

Include for consistency that for faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in reviews for reappointment or promotion.

14. IV. Hiring and Promotion
B. Reappointment/or Three-Year Contracts, Page 4

“Review for reappointment/non-reappointment is conducted in the penultimate year of the initial term of appointment and completed by the end of that penultimate year. In the event of a decision to reappoint, the FTNTT/CF shall complete the remainder of his/her term and shall be reappointed, normally, for another three-year term. In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.”

Recommendation

Delete “normally” in the sentence, “In the event of a decision to reappoint, the FTNTT/CF shall complete the remainder of his/her term and shall be reappointed, normally, for another three-year term.” And add the following, “Subsequent appointments will be for three years.”

15. IV. Hiring and Promotion
B. Reappointment/or Three-Year Contracts, Page 4
Recommendation

There is no prior mention of terms greater than three year contracts. Indicate terms for Assistant Professor of Practice, Associate Professor of Practice, and (Full) Professor of Practice. These titles and terms need to be defined earlier in the document. Add the following language,

When promoted to a three-year contract (Assistant Professor of Practice), subsequent appointments shall be for three years.

When promoted to a five-year contract (Associate Professor of Practice), subsequent appointments shall be for five years.

When promoted to a XX-year contract (Professor of Practice), subsequent appointments shall be of the same length.

As a five-year appointment is the norm for the rank of Associate Contract Faculty, provide an increase in term of appointment for (Full) Professor of Practice; this is the case at certain schools (e.g., The Gallatin School).

16. IV. Hiring and Promotion
B. Reappointment/or Three-Year Contracts, Page 4

Recommendation

Delete the word “aspires”; a time line should be given. Delete the phrase, “which may vary on a case-by-case basis.” It is unclear why reviews would differ for different candidates.

Also add date when committee will begin its review.

17. IV. B. Reappointment for Three-Year Contracts, Page 5

“CUSP’s process for review of three-year contracts, including promotion reviews, will include: a review, which is advisory to the cognizant Deputy Director and the Director, comprised of one senior FTNIT/CF and two NYU TTF who have joint appointments in CUSP”

Recommendation

The committee(s) should be made up of elected members, not appointed; contract faculty should make up the majority if possible.

18. IV. B. Reappointment for Three-Year Contracts, Page 5

“…a statement of the academic criteria in the areas of teaching, program development, research and scholarship, and service that will guide the committee's evaluation”
Recommendation

If the statement of academic criteria has been established, then where is it? If not, who provides it?

19. IV. B. Reappointment for Three-Year Contracts, Page 5

“Review for reappointment and promotion shall consider curricular and structural changes and improvements in academic programs.

“In addition to formal reviews at the time of potential reappointment, each FTNTT/CF member on a three-year contract shall annually submit to his/her cognizant Deputy Director an activity report, using an activity report form, which will shall be provided to each FTNTT/CF member 30 days in advance of its due date.”

Recommendation

Is the activity form tailored to C-faculty, or is it a TT form? Ensure that the activity form is tailored for C-faculty (and is not a T-faculty form).

20. IV. C. Reappointment on One-Year Full-Time Contracts, Page 5

“CUSP Deputy Directors should conduct a performance review of and provide feedback to each FTNTT/CF member reporting to them. FTNTT/CF may be reappointed to a series of one-year full-time contracts. As is the case in 3-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.”

Recommendation

Under what circumstances, would reappointment not be granted, e.g., for performance or other? Clarify.

21. IV. C. Reappointment on One-Year Full-Time Contracts, Page 5

Recommendation

To prevent the establishment of a permanent group of CUSP faculty on one-year appointments (when the norm is three- and five-year appointments), add language allowing for a transition to a three-year appointment for faculty on one-year appointments who successfully complete a formal third-year review, such as:

“Faculty members on continuous one-year appointments who successfully complete their third-year formal review shall move to a three-year appointment.”

22. IV. C. Reappointment on One-Year Full-Time Contracts, Page 5
“In the first semester of the third year of continuous appointments, a FTNTT/CF member shall be subject to annual review comparable to those to which faculty members on 3-year contracts are subject. The timetable for a formal review is shown below assuming the appointment terminates on August 31. The review of a FTNNT/CF member with a one-year contract that terminates on August 31 follows the general time line below, which may vary on a case-by-case basis.”

Recommendation

When did the committee start its review? Add specific dates for notice of renewal and reappointment (We suggest mid-March in order to maximize notice of reappointment) and there is no date for dean’s response (We recommend early April). This lack of specificity will cause problems.

Delete the phrase, “which may vary on a case-by-case basis.” It is unclear why reviews would differ for different candidates.

23. Again, to prevent the establishment of a permanent group of CUSP faculty on one-year appointments (when the norm is three- and five-year appointments), add language allowing for a transition to a three-year appointment for faculty on one-year appointments who successfully complete a formal third-year review, such as:

“Faculty members on continuous one-year appointments who successfully complete their third-year formal review shall move to a three-year appointment.”

24. IV. D. Eligibility for Rank and Promotion, Page 6

“The rank of FTNTT/CT faculty appointed at CUSP is determined according to the following guidelines: Appointments at the Assistant level are generally made for individuals who possess 5 years work experience or less. Appointments at the Associate level are generally made for individuals who possess more than 5 years prior experience. Appointments at the Full or Senior level are generally made for individuals who possess more than 10 years of prior experience and a demonstrated record of excellence.”

Recommendation

Criteria for promotion should be stated, unless it is just time in rank. Is it Appendix B? Is it the length of contract? For promotion, Appendix B needs to describe performance thresholds for performance.

25. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Unless promotion is automatic, based solely on seniority, there need to be criteria for promotion into higher ranks. There are none offered.
26. Renewal and Promotion Committee

Recommendation

The Committee should choose its own chair, who then coordinates the creation of the committee’s report and recommendation for reappointment, which is then submitted to the CUSP Dean. The duties of the chair should be included in this paragraph, as well as the process of evaluating the review material. The process of the creation of the committee’s report should be explicitly stated with language similar to the following (from the FAS Website, “Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview,” http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html):

“The committee will prepare a written review for the CUSP Dean evaluating and summarizing the evidence of accomplishment, noting areas that require improvement, and making a recommendation regarding reappointment, and promotion and contract length (when applicable).”

27. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Add the following,

“The committee should hold a secret ballot to determine the majority opinion. In that case, the minority opinion should also be included in the report as an appendix.” (This conforms roughly to procedures in place at FAS and also produces a fuller accounting of the committee’s findings. It also provides the necessary record of process in the event that the faculty member receives a negative review.)

28. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Specify that a majority vote of the Review and Promotion Committee shall be required for a successful review and that all votes of both Committees shall be by secret ballot.

29. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Add language detailing the process governing the creation of the review committee’s report, similar to that found on the FAS website, “Procedures for Reappointment and/or Promotion” for clinical faculty (http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html) adapted as follows:
“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 CUSP 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 dissenting opinion should be appended to the majority review.”

30. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Add detailed information: “The CUSP Dean will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding appointment, and will meet with the candidate to discuss the committee’s evaluation, as well as his or her own assessment and continuing programmatic need for the appointment.”

A review of promotion process needs to be included, add the following:

“The summary letter to the candidate must include the recommendation of the CUSP dean, including promotion and the length of reappointment (if that is the decision), and a signature block for the candidate.”

31. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Add the following as a new paragraph (adapted from the FAS website, “PROCEDURES for Reappointment and/or Promotion” for clinical faculty: http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html):

“If the CUSP Dean’s decision is contrary on appointment, title, or length of contract to that of the Review and Reappointment Committee or the Promotion Committee, the Dean will provide the committee 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.”

32. IV. D. Eligibility for Rank and Promotion, Page 6

Recommendation

Add language similar to the following:

“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.”

33. IV. D. Eligibility for Rank and Promotion, Page 6
The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before the Provost approves it. The process should be identified and explicitly described in this document.

Additionally, The New York University Guidelines for Full-Time Non-Tenure/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.

**Recommendation**

We recommend the development of this grievance process should be undertaken by the CUSP 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.

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1  http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/GuidelinesFinal0209 I S.pdf

**Appendix B**

34. For promotion, Appendix B needs to describe performance thresholds for promotion to Associate Professor of Practice and (Full) Professor of Practice.

35. Performance Reviews, Page 7

“The review process should include the FTNTT/CF's Professional Activities Report along with other materials such as:

- “Student evaluations of teaching during the appointment period (and end of prior appointment period, if applicable).
- Peer observations of teaching that are conducted annually by a senior member of CUSP during the appointment period.
- Current CV.
- If applicable, summary of applied research and scholarship including research projects, grant proposals, conference papers and publications.”

**Recommendation**
Specifying how “performance” will be assessed. 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, student evaluations, etc.

Substantive Minor Recommendations

1. Introduction, Page 3

Full-time Non-Tenure Track/Contract Faculty (FTNTT/CF) are a distinct and important part of CUSP’s academic community that contributes significantly to CUSP's academic mission. This policy governs the hiring, review, and reappointment **and promotion** of FTNTT/CF and is intended to recognize the contributions this group of faculty makes to CUSP's commitment to teaching excellence, traditional research, and other forms of scholarly achievement and service within the academic community. CUSP is committed to providing our students with an education that extends beyond the classroom and prepares them to advance knowledge, scholarship and innovation in the real world. The professional experience, guidance and accomplishments of our Full-time Non-Tenure Track/Contract Faculty are integral to realizing this mission. FTNTT/CF faculty are encouraged to work directly with their cognizant Deputy Director to understand their individual roles and responsibilities, identify opportunities for professional development and contribute to the excellence of the Center for Urban Science and Progress.

**Recommendation**

Add “and promotion” (bolded above)

2. IV. Hiring, Reappointment, and Promotion, Page 4

“The hiring process includes consultation with NYU’s T/TT faculty who have joint appointments in CUSP and also provides for meaningful FTNTT/CF input.”

**Recommendation**

Describe how “meaningful input” will be provided.

3. PROCESS AND TIMETABLE

**Recommendation**

IV. Hiring and Promotion
A. Eligibility and Criteria for Reappointment and Promotion, Page 4

“CUSP will provide regular written feedback to faculty on three-year contracts regarding their
performance based on standards embodying the highest levels of achievement.”

Clarification

How often will written feedback be offered? Who offers the feedback? The renewal committee?

4. IV. Hiring and Promotion, A. Eligibility and Criteria for Reappointment and Promotion, Page 4

“Where a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a performance review for career development to be conducted within a time framework specified beforehand.”

Add language similar to:

“During the first week of the academic year in the penultimate year of an appointment, faculty member receives notification that she/he is up for review.”

5. Specify the grounds for and process of stopping the contract clock by adding language satisfying the following from the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, page 6:

“Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include: … the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation;”

Minor Editorial Issues

1. Delete the word “cognizant” throughout the document.

2. Add Roman numeral IV to the “Hiring, Reappointment, and Promotion” section. Renumber subsequent sections.

3. IV. D. Eligibility for Rank and Promotion

   Recommendation

   Everyone has a rank. Delete the word “rank” in the section heading

4. Appendix B, Performance Reviews, Page 7

“As part of the performance assessment process for reappointment or promotion, the review committee should consider evidence of accomplishment in the areas of teaching, research and scholarship, service and administration, and professional activity, and discuss where the
FTNTT/CF member can focus efforts to provide feedback that will lead to further professional development.”

Recommendation

This section is unclear. It sounds like discussions will help faculty member to focus efforts that provide feedback, but it is doubtful that this is its intention.

5. The last bullet point under “Teaching” needs to be moved to the “Scholarship” category.
November 6, 2015

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

From: David W. McLaughlin, Provost

Subject: Center for Urban Science and Progress (CUSP) FTNTT/CF Appointments Policy

The Director of the Center for Urban Science and Progress, Steven Koonin, has forwarded to me the CUSP policy for its FTNTT/CF appointments. Dr. Koonin’s memo (attached) highlights the special characteristics of CUSP with respect to this policy and the process of formulating it.

CUSP was established in 2012 with an award from the NYC Economic Development Corporation. A University-wide center, CUSP is authorized to make appointments of FTNTT/CF faculty and to offer cross appointments to T/TT faculty with primary appointments in NYU schools. As a new unit, CUSP has made only a couple of FTNTT/CF appointments. Accordingly, the policy was primarily formulated by the office of the Director. The terms of the award require CUSP to report to the EDC on the size and composition of its faculty. Finalizing the CUSP policy at this time – even before there is a full quorum of faculty – is necessary to allow CUSP to properly appoint and report on its faculty to the EDC.

As is the case with all such policies, CUSP worked together with my office and the Office of General Counsel 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 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 Seniors Councils adopt the same perspectives for their review, doing so with deference to each school’s distinct style and mode of presentation.

As is our practice, I will consider the Councils’ comments in consultation with CUSP before finalizing the document. Please let me know if you have questions that my office can address to facilitate your review, and feel free to consult Professor Koonin. Thank you for your prompt attention to this document.

cc: Katherine Fleming
Carol Morrow
Steven Koonin

Paul Horn
Karyn Ridder
Peter Gonzalez

Attachment
MEMORANDUM TO THE PROVOST

TO: David W. McLaughlin, Provost
FROM: Steven E. Koonin, Director
SUBJECT: Guidelines for Full-time, Non-Tenure Track Contract Faculty at the Center for Urban Science and Progress
CC: Carol Morrow, Senior Associate Provost & Chief of Staff to the Provost

Please accept for your approval the attached Guidelines for Full-time, Non-Tenure Track Contract Faculty at the Center for Urban Science and Progress.

CUSP is a Provostial unit created in fulfillment of the Applied Sciences NYC award of 370 Jay Street to New York University by the New York City Economic Development Corporation (EDC). NYU and the City established CUSP as a vehicle for the research, study, analysis and development of effective solutions to significant "real world problems" affecting the delivery of municipal services and "critical challenges" to the urban environment and economy. As a University-wide center, we offer a Master's degree in Applied Urban Science & Informatics. We are authorized to make appointments of FTNTT/CF faculty and to offer cross appointments to T/TT faculty in the schools, colleges, institutes, departments, divisions, and other units of NYU. CUSP's FTNTT/CF faculty are a vital part of the team that will allow us to meet our commitment to teaching excellence, world-leading research, and other forms of scholarly achievement.

According to project commitments included in the April 25, 2012 Development, Use and Operation Agreement for 370 Jay Street, NYU will report to the EDC the number of tenured faculty, tenure-track faculty, contract faculty, research scientists and senior researchers from industry working at CUSP. Your approval of these guidelines, in consultation with the Tenured/Tenure Track Faculty Senators Council and the FTNTT/CF Senators Council, will allow us to properly appoint and document the contributions of our FTNTT/CF faculty. I will be happy to make myself available to answer any questions representatives of either Council or you may have about these guidelines.
GUIDELINES FOR
FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS
CENTER FOR URBAN SCIENCE AND PROGRESS (CUSP)

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I. Introduction
Full-time Non-Tenure Track/Contract Faculty (FTNTT/CF) are a distinct and important part of CUSP’s academic community that contributes significantly to CUSP’s academic mission. This policy governs the hiring, review, and reappointment of FTNTT/CF and is intended to recognize the contributions this group of faculty makes to CUSP’s commitment to teaching excellence, traditional research, and other forms of scholarly achievement and service within the academic community. CUSP is committed to providing our students with an education that extends beyond the classroom and prepares them to advance knowledge, scholarship and innovation in the real world. The professional experience, guidance and accomplishments of our Full-time Non-Tenure Track/Contract Faculty are integral to realizing this mission. FTNTT/CF faculty are encouraged to work directly with their cognizant Deputy Director to understand their individual roles and responsibilities, identify opportunities for professional development and contribute to the excellence of the Center for Urban Science and Progress.

II. Scope of these Guidelines
These guidelines apply to Full-Time Non-Tenure Track/Contract Faculty as they are defined in New York University Bylaw 87(a), Full-Time Non-Tenure Track/Contract Faculty Appointments. FTNTT/CF “are faculty who are not Tenured/Tenure Track Faculty and who: (i) have full-time appointments; (ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion within the appointment category, such as from Assistant to Associate, may be required for renewal); and (iii) are not visiting faculty (including persons who have tenure or are on the tenure track at another institution and persons who are on leave from another institution or company.)”

III. Titles and Terms of Employment
A. Titles and Areas of Responsibility for FTNTT/CF
Full-time Non-Tenure Track Contract Faculty are experienced practitioners, teachers and researchers in their areas of specialization. At CUSP, the FTNTT/CF title is:

Professor of Practice. The Professor of Practice’s primary role involves teaching, student advising, and mentoring. The normal teaching load for Professors of Practice is up to six courses per year, although responsibility for coordination of the Masters students’ intensive project course may reduce the classroom teaching load. Teaching faculty are expected to develop and create innovative curriculum and new course syllabi and engage in program review, accreditation compliance and assessment of curricula. Faculty appointed with this title will possess advanced academic credentials, will be full-time members of CUSP, and will have a demonstrated interest in pedagogy. Titles may include assistant professor of practice, associate professor of practice, or professor of practice.

B. Terms of Employment
Each full-time contract faculty appointment is to be secured by a written contract, specifying a fixed term, signed by the parties to it, and filed with the University Office of Academic Appointments prior to commencement of employment. Such contracts shall include the following terms negotiated between the faculty member and the appropriate administrator with the authority to do so, and approved by the Director of CUSP:

- start and end dates of the appointment;
- an indication of whether the faculty member is eligible to be considered for reappointment upon conclusion of the current contract;
- academic responsibilities, compensation, and obligations of the appointment;
- particular responsibilities and benefits; and
- agreement to be bound by applicable University policies.

In accordance with University Bylaw 87(b), Contracts and Titles, the appointment of FTNTT/CF automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal. By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by CUSP taking affirmative action to do so.
C. Duration of Contracts.
Within the framework of CUSP’s long term staffing plans, extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. As such, CUSP FTNTT/CF appointments will typically be secured by a three-year contract with renewable terms, unless a one-year renewable contract is more appropriate based on CUSP’s academic curricular needs.

D. Participation in CUSP’s Governance
In accordance with Bylaw 82(c), Faculty Membership, College and School Governance, the FTNTT/CF of CUSP may hold their own faculty meetings and may participate in joint meetings with CUSP’s tenured/tenure track faculty, whose primary appointments reside in an NYU school or college.

Hiring, Reappointment, and Promotion
Appointment processes for FTNTT/CF reflect CUSP’s overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each FTNTT/CF appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of CUSP including its educational and research programs, and shall exemplify the university’s commitment to appoint and retain the best faculty in all disciplines.

The hiring process includes consultation with NYU’s T/TT faculty who have joint appointments in CUSP and also provides for meaningful FTNTT/CF input.

A. Eligibility and Criteria for Reappointment and Promotion.
Faculty appointed under three-year full-time contracts may be eligible for reappointment. CUSP contracts will specify whether this is the case. CUSP will provide regular written feedback to faculty on three-year contracts regarding their performance based on standards embodying the highest levels of achievement. However, even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular, structural, or financial changes.

Where a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a performance review for career development to be conducted within a time framework specified beforehand.

B. Reappointment for Three-Year Contracts.
Reappointment requires a formal review process. The process shall be conducive to ensuring that candidates for reappointment and promotion exhibit the highest level of performance and achievement – whether in teaching, or traditional research and scholarship.

Review for reappointment/non-reappointment is conducted in the penultimate year of the initial term of appointment and completed by the end of that penultimate year. In the event of a decision to reappoint, the FTNTT/CF shall complete the remainder of his/her term and shall be reappointed, normally, for another three-year term. In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.

The review of FTNTT/CF member with an appointment of three years or more that terminates on August 31 begins in the penultimate year of the appointment and aspires to follow the general time line below, which may vary on a case-by-case basis):

<table>
<thead>
<tr>
<th>Task</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of Professional Activities Form</td>
<td>Mid-February</td>
</tr>
<tr>
<td>FTNTT/CF submits form to cognizant Deputy Director</td>
<td>Mid-March</td>
</tr>
<tr>
<td>Review Committee Report sent to cognizant Deputy Director</td>
<td>Mid-April</td>
</tr>
</tbody>
</table>
- Cognizant Deputy Director submits Reappointment Recommendation to Director
  
- Director makes determination regarding reappointment. If the Director’s determination is contrary to the review committee’s recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director’s determination is finalized.

- Last day to provide written notice to FTNTT/CF

CUSP’s process for review of three-year contracts, including promotion reviews, will include:

- a review committee, which is advisory to the cognizant Deputy Director and the Director, comprised of one senior FTNTT/CF and two NYU T/TTF who have joint appointments in CUSP;
- a statement of the academic criteria in the areas of teaching, program development, research and scholarship, and service that will guide the committee’s evaluation;
- the criteria of assessment in effect at the time, which shall be available to the faculty in print or on the web;
- the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation; and
- the grounds for grievance and appeal as laid out in Section V below.

Review for reappointment and promotion shall consider curricular and structural changes and improvements in academic programs.

In addition to formal reviews at the time of potential reappointment, each FTNTT/CF member on a three-year contract shall annually submit to his/her cognizant Deputy Director an activity report, using an activity report form, which shall be provided to each FTNTT/CF member 30 days in advance of its due date.

C. Reappointment on One-Year Full-Time Contracts.
CUSP Deputy Directors should conduct a performance review of and provide feedback to each FTNTT/CF member reporting to them. FTNTT/CF may be reappointed to a series of one-year full-time contracts. As is the case in 3-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.

In the first semester of the third year of continuous appointments, a FTNTT/CF member shall be subject to formal review comparable to those to which faculty members on 3-year contracts are subject. The timetable for a formal review is shown below assuming the appointment terminates on August 31. The review of a FTNTT/CF member with a one-year contract that terminates on August 31 follows the general time line below, which may vary on a case-by-case basis.

<table>
<thead>
<tr>
<th>Task</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of Professional Activities Form</td>
<td>Mid-December</td>
</tr>
<tr>
<td>FTNTT/CF submits form to cognizant Deputy Director</td>
<td>Mid-January</td>
</tr>
<tr>
<td>Review Committee report sent to cognizant Deputy Director</td>
<td>Mid-February</td>
</tr>
<tr>
<td>Cognizant Deputy Director submits Reappointment Recommendation to Director</td>
<td>Early April</td>
</tr>
<tr>
<td>Director makes determination regarding reappointment. If the Director’s determination is contrary to the review committee’s recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director’s determination is finalized.</td>
<td>May 1</td>
</tr>
<tr>
<td>Last day to provide written notice to FTNTT/CF</td>
<td></td>
</tr>
</tbody>
</table>
A faculty member whose period of appointment is due to terminate on a date other than August 31 will be notified of his/her non-reappointment four months prior to termination of the appointment, with review dates being adjusted accordingly.

D. Eligibility for Rank and Promotion.
The rank of FTNTT/CT faculty appointed at CUSP is determined according to the following guidelines: Appointments at the Assistant level are generally made for individuals who possess 5 years work experience or less. Appointments at the Associate level are generally made for individuals who possess more than 5 years prior experience. Appointments at the Full or Senior level are generally made for individuals who possess more than 10 years of prior experience and a demonstrated record of excellence.

FTNTT/CF members who are hired at the rank of Assistant may apply for promotion to Associate, and FTNTT/CF members at the rank of Associate may apply for promotion to full Professor. Typically, FTNTT/CF members will ordinarily have spent at least three years at the rank of Assistant Professor to be eligible for promotion to Associate Professor and another three years at the Associate rank before applying for promotion to the rank of full Professor.

IV. Grievance Procedure

The grievance and appeal procedures in CUSP will follow the process outlined in the University Guidelines for Full-Time Non-Tenure Track Contract Faculty. With particular respect to CUSP, (i) these procedures apply to all FTNTT/CF CUSP members, but do not include CUSP FTNTT/CF who hold a tenured/tenure track appointment in a different NYU unit; (ii) processes in the Guidelines that apply to ‘school’ and ‘dean’ shall apply to CUSP and the Director of CUSP; (iii) for the purpose of addressing grievances of full-time non-tenure track/contract faculty members, CUSP shall establish a standing grievance committee to be comprised of one senior FTNTT/CF and two NYU T/ITF who have joint appointments in CUSP, each of whom is to be elected by the voting members of the faculty. The voting members of the faculty are CUSP FTNTT/CF and NYU T/IT faculty with Joint appointments in CUSP. The faculty grievance committee shall not include Deputy Directors or any faculty member whose primary assignment is administrative.

V. University Policies

New York University (NYU) policies, and particularly those in the Faculty Handbook, include policies applicable to full-time non-tenure positions. This policy is being implemented by CUSP to supplement NYU’s policies applicable to full-time non-tenure track contract faculty. If at any point these policies are inconsistent with NYU policies, then the NYU policies then in effect will control. As with all NYU policies, these guidelines are subject to change and it is the policies in effect at the time of the action that apply.

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Appendix B
Performance Reviews

As part of the performance assessment process for reappointment or promotion, the review committee should consider evidence of accomplishment in the areas of teaching, research and scholarship, service and administration, and professional activity, and discuss where the FTNTT/CF member can focus efforts to provide feedback that will lead to further professional development. The review process should include the FTNTT/CF's Professional Activities Report along with other materials such as:

- Student evaluations of teaching during the appointment period (and end of prior appointment period, if applicable).
- Peer observations of teaching that are conducted annually by a senior member of CUSP during the appointment period.
- Current CV.
- If applicable, summary of applied research and scholarship including research projects, grant proposals, conference papers and publications.

The committee's written review should indicate specifically the strengths of the FTNTT/CF member under consideration. Where there are weaknesses, the committee should suggest courses of action to improve performance, which are conveyed to the member in writing by the cognizant Deputy Director. Because FTNTT/CF member responsibilities vary based on position, specific evidence of excellence and achievement will differ by their role at CUSP.

Suggested Activities to be Included in the Review Process

Teaching
- Evidence of satisfactory teaching includes an assessment on the dimensions of the (a) substantive and (b) pedagogical aspects of teaching.
- Efforts toward continuous teaching improvement and development of instructional innovations may also be included.
- Evidence of performance in classroom teaching, curricular planning and development, and the mentoring of students.
- Documentation of scholarly presentations and/or publications.

Research and Scholarship
- Evidence of leading research projects and/or participating in the conduct of novel research.
- Demonstrated grant-seeking activity detailing efforts and accomplishments at obtaining external funding in support of traditional research and student projects.
- Evidence of conference papers, publications and presentations that contributes to CUSP's research mission.

Service & Administration
- Demonstrated spirit of willing cooperation to take on committee and project assignments within CUSP.
- Participation in professional organizations or service to outside groups, and involvement with CUSP's outreach efforts.
- Documentation of CUSP-relevant consulting activities.
Appendix C
Sample Reappointment Summary Form

RECOMMENDATION FOR FTNTT/CF REAPPOINTMENT
(with or without promotion)

Name:
Title:
Unit: Center for Urban Science & Progress
Recommended Number of years for Reappointment Contract:
Recommended Course/Grant Load:

List of supporting materials used in review:
- Summary of most salient contributions in teaching, research and scholarship and professional activity (required)
- Professional Activities Form(s) (required)
- Current CV (required)
- Course evaluations, peer observations, and syllabi (required)
- Professional portfolio (showing publications) during the appointment period
- Other discipline based evidence

Deputy Director’s Assessment
As you provide your assessment of your faculty member in each of the areas below, we ask that you please consult Appendix B of these Guidelines.

A. Teaching Summary (please provide an overview of the FTNTT/CF member’s teaching effectiveness such as course evaluations, letters from students, teaching awards, etc.):

B. Research and Scholarship Summary (please provide a summary of the member’s research and grant seeking contributions to CUSP and the university).

C. Professional Activities Summary (please provide a summary of the faculty member’s professional activities such as appointments and memberships in professional societies, presentations, honors, and awards):

D. Summary of basic arguments substantiating recommendation for reappointment, including a statement of future potential
Recommendations of the C-FSC in regard to:

Policy for the Review, Reappointment, and Promotion of Institute for the Study of the Ancient World Continuing Contract Faculty

Background

“Professor Roger Bagnall, Director of the Institute for the Study of the Ancient World (ISAW), has submitted...the Policy for the Review, Reappointment, and Promotion of Full-Time Non-Tenure Track/Contract Faculty in the institute for the Study of the Ancient World.

“Dr. Bagnall advises...that the guidelines were approved by the full faculty, first in its initial draft on October 20, 2015 and again after revision. It is important to keep in mind while reviewing these guidelines that ISAW—with 9 tenured/tenure track faculty—has at present only one clinical faculty member, and there are no present plans to make further such appointments. Note too that for this reason, the policy does not specify that any of the committees mentioned in this document require the participation of clinical faculty, as there are none—other than the person to be reviewed. If in the future ISAW does appoint more clinical faculty, the school will adjust its procedures accordingly.” (Letter of December 3, 2015 from David McLaughlin to C-FSC and T-FSC Chairs)

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

Please note: the C-FSC looks forward to reviewing any changes to the ISAW policy regarding composition and method of selection of review and promotion committees in the event that “in the future ISAW does appoint more clinical faculty”.

Recommendations

1. Page 1, 1. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty

Because Continuing Contract Faculty in ISAW are expected to “demonstrate continuing intellectual and scholarly engagement in their fields...as appropriate to the area of the appointment” (Page 2, C. Professional Activity, paragraph 1), there should be an explanation of the differences between tenure/tenure track faculty and continuing contract faculty.

Recommendation

Add language similar to the following:

“Continuing Contract Faculty lines are typically multiyear and differ from tenure lines at ISAW in the following ways: [identify those differences].
2. Page 1, I.A. Teaching, paragraph 1, sentence 2: “This may vary depending on other assigned duties or responsibilities.”

**Recommendation**
Because the sentence provides the possibility for a reduction in the standard 6-course/year teaching load, clarify that by changing the word “vary” to “be reduced”.

3. Page 3, C. Professional Activity

**Recommendation**
Because “it is expected that [ISAW continuing contract faculty] will demonstrate continuing intellectual and scholarly engagement in their fields or continuing practice at a high level,” provide the means for, and an eligibility process for application to, a research leave/sabbatical leave to conduct this expected engagement.

4. **Recommendation**
Add language to the Policy explaining the process of faculty engagement and participation in any changes to the ISAW Policy, that address the following issues:

- Mechanisms for timely distribution of any amendments to the Policy to the faculty; and
- Mechanisms 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 ISAW’s governance structure.

5. Page 3, B. Titles

There is an inconsistency of requirements for initial appointments of faculty for the ranks of Clinical Associate Professor and Clinical (Full) Professor:

B., 2. Clinical Associate Professor, final sentence:

“In addition, they will have attained and will document national or international peer recognition through publication, grant awards, professional scholarly, creative work, or performance of a nationally or internationally recognized level.”

B., 3. Clinical (Full) Professor, final sentence:

“In addition, they will have attained and will document national or international peer recognition through publication, grant awards, professional organizational service, or media exposure.”

Is “professional organizational service or media exposure” not recognized for appointment to Clinical Associate Professor, and, conversely, are “professional scholarly, creative work, or performance of a nationally or...
internationally recognized level" not recognized for appointment to Clinical (Full) Professor?

**Recommendation A**
Clarify if the language for Clinical Associate Professor should be:

“…grant awards, professional, scholarly, and creative work….” Or clarify if the language as it exists is correct.

**Recommendation B**
Provide a reason for the discrepancies between the requirements or make them consistent.

6. Page 3. C. Terms of Appointments, first bullet point:

The University Guidelines for Full-Time Continuing Contract Faculty, page 4, states:

“Continuing Contract Faculty appointments that provide for the possibility of extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts may be programmatically and academically desirable in a number of schools and academic programs within schools; school policies shall include a rationale for a Continuing Contract Faculty title(s) that carries a one-year appointment.

“Full-time contract faculty members are to be hired within the context of the school’s long-term strategic planning for faculty academic programming, which is approved by the Provost. This is true for one-year as well as multi-year contracts.”

**Recommendation**
Add language similar to the following:

“If a one-year contract is adopted, the Director will provide a justification, similar to the hiring plan submitted annually to the Provost, based on programmatic and academic considerations, to the faculty through the formal governance structure established at ISAW.”

7. Page 4. III. Review and Reappointment of Clinical Faculty

The third sentence in paragraph one states:

“Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs.”
Recommendation
Add language similar to the following:

“In the event that there is a decision of non-reappointment or promotion based on curricular and structural changes and improvements in academic programs, the Director will conduct a review to determine whether the faulty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity.”

8. Page 4, A. The Review Committee, paragraph 1, sentence two states:

“The committee, which is appointed by the Director, consists of three members and is chaired by a member of the ISAW faculty.”

Recommendation
Provide for the election by the ISAW faculty of the ISAW members of the Review Committee.

9. Page 5, paragraph 1, final sentence states:

“A majority vote of the review committee shall be required for a successful review.”

Recommendation
Add language specifying that the vote of the review committee shall be by secret ballot.

10. Page 6, IV. Promotion of Clinical Faculty, paragraph 1, sentence two states:

“In addition to the consideration of teaching, service activities, and professional, scholarly, and creative work, recommendations also may be based on a prognosis of the clinical faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of ISAW.”

Recommendation A
Add the words “regarding promotion” as follows:

“In addition to the consideration of teaching, service activities, and professional, scholarly, and creative work, recommendations regarding promotion also may be based on a prognosis of the clinical faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of ISAW.”

Recommendation B
Clarify 1) who will make this prognosis and 2) by what metrics are “dependability, growth, potential and versatility” shall be determined.
11. Page 7, C. Criteria for Promotion to Clinical Associate Professor, sentence 2 states:

“Promotion to the rank of Clinical Associate Professor requires sustained excellence in teaching and also recognizes the impact of service and administration, and artistic and professional activity.”

**Recommendation**
For consistency with previously stated requirements for appointment, add “scholarly,” as in:

“Promotion to the rank of Clinical Associate Professor requires sustained excellence in teaching and also recognizes the impact of service and administration, and **scholarly**, artistic and professional activity.”

12. Page 7, C. Criteria for Promotion to Clinical (Full) Professor, sentence 2 states:

“Promotion requires sustained excellence in teaching, service and administration, artistic and professional activity, and peer recognition in the applicable field.”

**Recommendation**
For consistency with previously stated requirements for appointment, add “scholarly,” as in:

“Promotion requires sustained excellence in teaching, service and administration, **scholarly**, artistic and professional activity, and peer recognition in the applicable field.”

13. Page 7, C. Criteria for Promotion to Clinical (Full) Professor, sentence 3 states:

“Expectations for excellence in professional activities in professional activities, however, must take into account the teaching load and administrative/service duties of the faculty member.”

**Recommendation**
Add the above paragraph as the third sentence in C. 1. Criteria for Promotion to Clinical Associate Professor.

14. Page 7, D. Materials, paragraph 1, sentence 1 states:

“In conducting its review for promotion, the review committee shall consider evidence of accomplishments in the areas of teaching, research, service, and professional activity, in accordance with the terms of the candidate’s appointment.”

**Recommendation**
For consistency, add “scholarly, artistic,” as in:
“In conducting its review for promotion, the review committee shall consider evidence of accomplishments in the areas of teaching, research, service, **scholarly, artistic**, and professional activity, in accordance with the terms of the candidate’s appointment.”

15. Page 8, paragraph 5 (including bullet points as separate paragraphs), sentence two (final sentence) states:

“A majority vote will be required to constitute a recommendation for promotion.”

**Recommendation A**
Provide that the vote of the review committee shall be by secret ballot.

**Recommendation B**
Add language that clarifies that in the event the review committee has not reached consensus, a minority report shall be written and included in the final committee report with language similar to that found at Page 5, paragraph 1, as in:

“If there is a difference of opinion, the dissenting opinion should be appended to the majority review.”

16. Page 8, paragraph 5

**Recommendation**
Add language clarifying that a positive review for promotion by the review committee results in the promotion of the faculty member.

**Minor editorial issues:**

1. **Global Issue:**
Change every instance of “Full-time Non-Tenure Track/Contract Faculty” to “Full-Time Continuing Contract Faculty”.

2. **Global Issue**
Insert either a period at the end of each bullet point in the document, or insert semicolons at the end of all but the last bullet point in any continuous series, and a period after the last bullet point in any continuous series.

3. Page 2, C. Professional Activity, first paragraph
In the parenthetic at the end of the first paragraph, delete the closing paragraph now after “5,000,” as in “(currently $5,000 p.a.).”

4. Page 3, paragraph 2, last line, beginning “her role in…”:
Delete the extra space between “in the university’s”
5. Page 3. C. Terms of Appointment, first bullet point
   In parenthetical, insert comma after e.g.

6. Page 3. C. Terms of Appointment, first bullet point
   Insert opening bracket before N.B.; and insert closing bracket after final
   sentence of first bullet point, as in “available funding.]”

7. Page 4. C. Terms of Appointment, first bullet point, first word on Page 4
   Delete hyphen in “re-appointment”, as in “reappointment”.

8. Page 8. VI. Process for Grievance for Reappointment/Promotion
   Change “VI” to “V”, and bold the entire heading, as in:

   “V. Process for Grievance for Reappointment/Promotion”.

   Add the word “continuing” after “at least one senior full-time contract….”,
   as in:

   “The Guidelines require that the grievance committee include at least
   one senior full-time continuing contract faculty member….”
December 3, 2015

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

From: David W. McLaughlin, Provost

Subject: ISAW Policy for the Review, Reappointment, and Promotion of Full-time Non-Tenure Track / Contract Faculty

Professor Roger Bagnall, Director of the Institute for the Study of the Ancient World (ISAW), has submitted to me the Policy for the Review, Reappointment, and Promotion of Full-time Non-Tenure Track/Contract Faculty in the Institute for the Study of the Ancient World.

Dr. Bagnall advises me that the guidelines were approved by the full faculty, first in its initial draft on October 20, 2015 and again after revision. It is important to keep in mind while reviewing these guidelines that ISAW – with 9 tenured/tenure track faculty – has at present only one clinical faculty member, and there are no present plans to make further such appointments. Note too that for this reason, the policy does not specify that any of the committees mentioned in this document require the participation of clinical faculty, as there are none – other than the person to be reviewed. If in the future ISAW does appoint more clinical faculty, the school will adjust its procedures accordingly.

ISAW worked with my office and the Office of General Counsel 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.

As is our practice, I will consider the Councils’ comments in consultation with ISAW before finalizing the document. Please let me know if you have questions that my office can address to facilitate your review, and feel free to consult Dr. Bagnall. Thank you for your prompt attention to this document.

cc: Roger Bagnall
Katherine Fleming

Carol Morrow
Karyn Ridder
Peter Gonzalez

Attachment
Policy for the Review, Reappointment, and Promotion of Full-time Non-Tenure Track/Contract Faculty
in the Institute for the Study of the Ancient World

This Policy Document is being implemented by the Institute for the Study of the Ancient World to supplement NYU policies applicable to full-time non-tenure track/contract faculty. If any part of this Policy Document is inconsistent with NYU policies, then the NYU policies then in effect will control. As with all NYU and ISAW policies, this Policy Document is subject to change, and the policies in effect at the time of an action will apply to that action.

This document goes into effect [date of approval]. The Appendix to this Policy details the process and procedures by which faculty currently on appointment at ISAW will be assigned titles and rank.

I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty:

Full-Time Non-Tenure Track/Contract Faculty (FT-NTTF) at ISAW currently hold the title of Clinical Assistant Professor, and may in future hold the titles of Clinical Associate Professor, and Clinical (Full) Professor. As the responsibilities of ISAW faculty are both diverse and flexible in order to meet the ongoing and changing needs of the program, the following categories of responsibilities of ISAW faculty are neither discrete nor mutually exclusive:

A. Teaching

The standard teaching load for all FT-NTT/CF is six courses per year. This may vary depending on other assigned duties or responsibilities. With the approval of the Director of ISAW ("Director") administrative and professional duties and other professional activities that serve the university or ISAW may substitute for one or more courses.

Clinical faculty are also expected to:

• Develop, create, and teach new courses and develop new curricula, where appropriate
• Engage in program review and revision, accreditation compliance, and assessment of curricula
• Advise and mentor students
• Serve, when asked, on graduate dissertation committees and, when appropriate, supervise independent studies

B. Service and Administration

Service and administration also are key components of faculty performance, and all faculty are expected to contribute in these areas. To this end, ISAW faculty must be familiar and comply with all relevant NYU, ISAW, and program policies.
For faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in both reappointment and promotion reviews.

Faculty may:

- Provide administrative service to the program (e.g., by serving on program committees, advising student activities, managing scholarly publications, etc.)
- Serve on University committees
- Provide outreach to the community at large as a representative of the program
- Render service to local, state, national, and international professional organizations

C. Professional Activity

ISAW FT-NTT/CF are generally practitioners and/or experts in their fields, and it is expected that they will demonstrate continuing intellectual and scholarly engagement in their fields or continuing practice at a high level, as appropriate to the area of the appointment. In support of professional, scholarly, and creative work, each faculty member draws upon an individual Research Account (currently at $5000) p.a.).

ISAW faculty may demonstrate this engagement and practice as follows:

- Produce scholarship and research, or applied scholarship and research, related to a specific discipline or practice
- Produce scholarship and research, or applied scholarship and research, related to the pedagogy of their field or profession
- Engage in professional development in their field by attending conferences, joining professional associations, giving lectures or performances at other institutions, serving on the advisory boards of journals
- Apply for and be awarded grants (serving as P.I. per university sponsored research guidelines and subject to university approval)
- Engage actively in practice in the field

D. Annual Activity Reports

ISAW FT-NTT/CF will submit an Annual Activity Form, usually in May of each academic year, to report on their teaching, service, and professional development. This report will be used in the annual merit review.

II. Appointment of Clinical Faculty

A. Criteria
Clinical faculty are experienced teachers, practitioners, and/or scholars in their area of specialization. In all cases, possession of the appropriate terminal degree and excellence in teaching is required. Based on the discipline, clinical faculty members may not be required to hold a doctorate. In certain fields demonstrated excellence and peer recognition may stand as sufficient professional credentials, as specified in the letter of appointment.

Initial appointment (and reappointment) shall be based on an evaluation of the candidate’s contribution to the excellence of the program, including its educational programs, and his or her role in the university’s commitment to appoint and retain the best faculty in all disciplines.

B. Titles

The definitions below are intended as a framework for initial appointments of faculty.

1. **Clinical Assistant Professor of (varies)**

   Faculty initially appointed at this rank have three years of superior teaching experience (which may have been as a graduate student and need not have been full-time) and demonstrated or potential expertise and accomplishment in their discipline or area of practice.

2. **Clinical Associate Professor of (varies)**

   Faculty initially appointed or promoted at this rank normally possess a minimum of six years of demonstrated sustained excellence in relevant teaching and curriculum innovation, service and administrative roles, and professional activity. In addition, they may have produced relevant professional scholarly, creative work, or performance of a nationally or internationally recognized level.

3. **Clinical (Full) Professor of (varies)**

   Faculty initially appointed or promoted to this rank possess a minimum of twelve years of demonstrated excellence in relevant teaching and teaching innovation, service and administrative roles, and professional activity. In addition, they will have attained and will document national or international peer recognition through publication, grant awards, professional organizational service, or media exposure.

C. Terms of Appointments

Clinical faculty may be appointed as follows:

Specific terms are:

- **One-year appointments:** These are appointments made by the Director and used primarily to address temporary programmatic needs (e.g. a leave or resignation). There is no expectation of renewal, though they may be renewed on an annual basis at the discretion of the Director. N.B. If a faculty member receives three continuous one-year appointments, a formal review, as defined below in Section III, shall take place in the third year as a condition for
re-appointment. Reappointment is conditional upon continued programmatic need and available funding.

- Three-year appointments: These are the norm for clinical assistant professors. Faculty are reviewed for reappointment during the penultimate year of a contract. Subsequent appointments are for three years. (With respect to promotion and apart from reappointment, Clinical Assistant and Associate professorial faculty have the option to request review for promotion in the last year of the second three-year contract, or at any time thereafter.)

- Five-year appointments: Normally, five-year contracts are awarded only upon promotion to Clinical Associate Professor and Clinical (Full) Professor. Reviews for reappointment are in the penultimate year of the contract. Subsequent appointments are for five years.

Note: There is no limit to the number of consecutive reappointments that faculty may receive.

III. Review and Reappointment of Clinical Faculty

This section sets out the process and criteria for performance reviews. A positive review establishes that a faculty member is eligible for reappointment: reappointment is subject to the academic and curricular needs of the program and the University. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs. Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

Faculty reviews are an essential component of professional development for all faculty members and the following guidelines and reappointment criteria are designed to enable faculty to gain valuable feedback, enhance their skills and experience, and contribute to the success of ISAW.

A. The Review Committee

A separate committee is appointed for the review of each Clinical faculty member in ISAW. The committee, which is appointed by the Director, consists of three members and is chaired by a member of the ISAW faculty. Other members may come from appropriate departments or schools at NYU. No faculty member may serve on the committee in the year in which his or her contract expires.

For review for reappointment of Clinical (Full) Professors, the committee shall be comprised of faculty who hold the rank of Clinical (Full) Professor or (Full) Professor.

The committee will review each candidate’s portfolio and other relevant documentation as is made available. The committee will prepare a written review for the full faculty that summarizes and evaluates the evidence of accomplishment, notes areas that require improvement, and makes a recommendation regarding reappointment. All members of the committee should read the review before it is submitted to the Director. 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 dissenting opinion should be appended to the majority review. In order for a successful review, the candidate must demonstrate excellence in the area of teaching, and, in addition, either service or professional activity, or both, in line with the purpose of the appointment. A majority vote of the review committee shall be required for a successful review.

The full faculty reviews the report of the review committee and votes whether to recommend reappointment. The Director makes a final decision regarding reappointment. The Director will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding appointment, and will meet with the candidate to discuss the committee’s evaluation, as well as his or her own assessment and continuing programmatic need for the appointment.

B. Process and Timeline

The performance review will occur in the penultimate year of the contract. During the first week of the academic year in the penultimate year of an appointment, the faculty member receives notification that he or she is up for review. With prior approval by the Director, the contract ‘clock’ may be stopped for reasonable cause, e.g., medical, personal (as primary caregiver for child, spouse, parent, same-sex domestic partner), or by contractual stipulation. Each clinical faculty member scheduled for review is required to submit a portfolio, whose contents are detailed in Section III.C. below. The timeline is as follows:

- Submission of portfolio – by December 20
- Review Committee recommendation to Faculty – on or around February 15
- Faculty vote on Review Committee recommendation – on or around March 15
- Director’s notification to candidate – on or around April 1

C. Materials

In conducting its review, the review committee shall consider evidence of accomplishments in the areas of teaching, research, service, and professional activity, according to the terms of the candidate’s appointment.

The review committee will consider the following as well as such other materials that the candidate may supply or the committee may request:

- A statement of teaching philosophy, provided by the candidate
- Student evaluations of teaching during the most recent appointment
- Two peer observations of teaching
• Supplementary teaching materials (such as syllabi, assignments, etc.), provided by the candidate

• The current C.V., provided by the candidate

• All previous review and promotion committee recommendations and all previous director’s decisions

• Summary of professional, service, scholarly, and artistic activities and accomplishments during the appointment period, provided by the candidate

• If appropriate, copies of publications and creative productions during the appointment period, provided by the candidate

The committee may also request other materials and data from the candidate.

The committee’s written review should specifically indicate the strengths of the faculty member under consideration in relation to school and program criteria. Where there are weaknesses, the review committee may suggest courses of action to improve performance; these are conveyed to the faculty member in writing by the Director.

IV. Promotion of Clinical Faculty

The review processes and criteria for promotion are summarized below. In addition to the consideration of teaching, service activities, and professional, scholarly, and creative, work, recommendations also may be based on a prognosis of the clinical faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of ISAW.

For promotion to Clinical Associate and Clinical (Full) Professor, external references will be solicited.

A. Review Committee: The Review Committee for promotion to Clinical Associate Professor shall consist of three faculty members appointed by the Director. For review for promotion to Clinical (Full) Professor, the committee shall be composed of two faculty who hold the rank of Clinical (Full) Professor or (Full) Professor, and one tenured member of the ISAW faculty at the rank of (Full) Professor, who shall serve as chair.

B. Timeline:

• Preliminary notification by the candidate of application for promotion – on or around October 1

• Submission of portfolio – on or around January 1

• Review Committee recommendation to Faculty – on or around March 1

• Faculty vote – on or around April 1
• Director’s notification to candidate – on or around May 1

C. Criteria for Promotion

1. Criteria for Promotion to Clinical Associate Professor

A clinical faculty member ordinarily should have spent at least six years at the rank of Clinical Assistant Professor (with up to three years counting from full-time employment at other colleges or universities) to be eligible for promotion to Clinical Associate Professor in ISAW. Promotion to the rank of Clinical Associate Professor requires sustained excellence in teaching and also recognizes the impact of service and administration, and artistic and professional activity. In rare instances, an initial appointment may be made at the rank of Associate Professor.

2. Criteria for Promotion to Clinical (Full) Professor

A clinical faculty member ordinarily should have spent at least twelve years as a full-time faculty member (with up to six years counting from full-time employment at other colleges or universities) and at least six as a Clinical Associate Professor at ISAW before applying for the rank of Clinical (Full) Professor. Promotion requires sustained excellence in teaching, service and administration, artistic and professional activity, and peer recognition in the applicable field. Expectations for excellence in professional activities, however, must take into account the teaching load and administrative/service duties of the faculty member. In rare instances, an initial appointment may be made at the rank of Clinical (Full) Professor.

D. Materials

In conducting its review for promotion, the review committee shall consider evidence of accomplishments in the areas of teaching, research, service, and professional activity, in accordance with the terms of the candidate’s appointment. For faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in promotion review.

The review committee will consider the following as well as such other materials that the candidate may supply or the committee request:

• A statement of teaching philosophy
• Student evaluations of teaching during the most recent appointment
• Two peer observations of teaching
• Supplementary teaching materials (such as syllabi, assignments, etc.)
• The current C.V.
• All previous review and promotion committee recommendations and all previous dean’s recommendations
• Summary of professional, service, scholarly, and artistic activities and accomplishments during the appointment period, provided by the candidate.

• Copies of publications and creative productions during the appointment period, provided by the candidate.

External references will be solicited to assist in the evaluation of the candidate’s scholarship, creative work, or professional achievement, as appropriate to the appointment. Candidates will propose a list of three referees, one of whom will be selected by the Director, who will select two additional referees (not nominated by the faculty member), if necessary in consultation with faculty in the candidate’s area of expertise.

The committee may also request other materials and data from the candidate.

The committee’s written review should indicate specifically the strengths of the faculty member under consideration in relation to school and program criteria, and will recommend that the candidate be promoted or not promoted. A majority vote will be required to constitute a recommendation for promotion.

VI. Process for Grievance for Reappointment/Promotion

ISAW follows the grievance and appeal process for grievances related to reappointment and promotion as set forth in the NYU Guidelines For Full Time Non-Tenure Track/Contract Faculty Appointments, revised and posted in March 2015, found here http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/GuidelinesFinal020915.pdf

The Guidelines require that the grievance committee include at least one senior full-time contract faculty member who shall participate in hearing and evaluating only those grievances that are filed by clinical faculty members. At ISAW, the Grievance Committee, which shall be appointed by the Vice Director with the approval of the faculty, shall be constituted of at least three full-time Senior Faculty members. In the case of a grievance by a Clinical Assistant Professor, at least one of the members shall be an Associate Professor or (Full) Professor. In the case of a grievance by a Clinical Associate Professor, the Grievance Committee shall consist of three tenured faculty. At such time as the number of clinical faculty at ISAW permits, at least one member of each grievance committee shall come from the clinical faculty.
Recommendations of
The Continuing Contract Faculty Senators Council
In Regard To:

School of Law
Policy on Continuing Contract Faculty Appointments

Background

From a letter dated November 23, 2015, sent by Provost David McLaughlin: “Dean Trevor Morrison has submitted to me the School of Law Policy on Continuing Contract Faculty Appointments...The Law School worked together with my office and the Office of the General Counsel to edit the document to ensure consistency with University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments. As part of the process of now finalizing the policy, I now invite the T-FSC and the C-FSC to provide comments from a University-wide perspective.”

The following document consists of recommendations made by the C- FSC Personnel Policies & Contract Issues Committee in an effort to improve the NYU School of Law Policy on Continuing Contract Faculty Appointments document and to ensure its compliance with the University Guidelines For Full-Time Continuing Contract Faculty Appointments.

Major Substantive Recommendations

Policy Section: Preamble (page 1)

1. Comment
The policy should follow the letter and the spirit contained in the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II. Formulation of School Policies, paragraph 2, sentence 1, which state:

“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.”

Recommendation
Mechanisms for the following should be included and stated explicitly: timely distribution to the faculty of any Policy amendments; faculty discussion of those revisions; and the ability for
faculty to present new amendments, make recommendations to, and vote on the Policy in a regularly scheduled faculty meeting which follows procedures outlined in the school’s governance structure.

Policy Section: I. Definition of Continuing Contract Faculty (page 1)

2. Comment
Because CCF are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations. This is important because in some schools, CCF primarily have teaching responsibilities, while in other schools CCF are expected to maintain an active scholarly, research, creative and/or professional life. Because the Law School requires active scholarship and professional development, the Definition of CCF should outline the ways in which the CCF lines differ from tenure lines.

Recommendation
Include the following language in Paragraph 1.
“Continuing Contract Faculty lines are typically multiyear and differ from tenure lines at the School in the following ways: [list those differences in responsibility].”

3. Comment
The final sentence (“The fact that an individual holds a non-tenure position listed in Bylaw 89 as cited in the Faculty Handbook does not conclusively establish that the person is a CCF”) creates ambiguity around the definition.

Recommendation
Suggested revision: “Though an individual may hold a non-tenure position listed in Bylaw 89 as cited in the Faculty Handbook, s/he will only be considered CCF if his/her appointment meets the criteria outlined in the previous paragraph.”

Policy Section: II. Responsibilities of CCF (page 1-2), Bullet Points 4 and 5 [“Actively pursue scholarly work...” and “Maintain their stature...”]

4. Comment
Given that faculty responsibilities include active pursuit of scholarly work and professional development in the form of conference attendance, publication (etc.), and that these responsibilities may have an impact on reappointment or promotion, professional development funds, research leave, or sabbatical should be provided to further support these pursuits.
Recommendation
A description of eligibility for professional development funds, research leave, and/or sabbatical, and the process governing this eligibility, should be added to the Policy, possibly in the final paragraph of this section.

Policy Section: Responsibilities of CCF (page 1-2), Final Paragraph

5. Comment
Regarding the final paragraph, “This list is illustrative and not exhaustive. CCF at the Law School may be called upon to provide a wide range of services to the Law School…”: Faculty should have a reasonable understanding of the extent and substance of their expected service.

Recommendation
We recommend adding the following language (in italics):

“This list is illustrative and not exhaustive. CCF at the Law School may be called upon to provide a wide range of services to the Law School, its students, the legal community, and the University at large. The expectations for each faculty member will be specified in his or her contract.”

Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), a. Titles

6. Comment
Regarding contract terms (“On a going-forward basis, a two- three- or five-year term will be standard for faculty in both clinical and practice titles…”), we recommend reducing reliance on two-year contracts to prevent the establishment of a permanent group of continuing contract faculty on shorter-term appointments.

Recommendation
We recommend the policy establish a time frame for limiting reappointment for two-year appointments, allowing those faculty who successfully complete a formal review on two-year appointments to transition to three-year appointments. For example: “Faculty members on continuous two-year appointments who successfully complete a second formal review shall move to at least a three-year appointment.” If the Law School has a formal policy for promoting from two-year to three- or five-year appointments, the promotion criteria and procedures (for all ranks) should be outlined in a section related to promotion.
7. Comment
Regarding the final sentence of paragraph 1 (‘‘...these terms of appointment typically correspond to rank’’), the Policy should outline those ranks and titles which correspond with particular appointment terms.

Recommendation
Provide a table which outlines the relationship between rank/title and appointment term.

Policy Section: Appointment and Reappointment of CCF (pages 2-4), c. Criteria for Reappointment

8. Comment
Regarding the final sentence of the paragraph (‘‘Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs’’), the policy should indicate that curricular or structural changes do not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining whether the professor can or cannot teach under the new curriculum or structure.

Recommendation
Add the following language (paraphrased from the Tisch Arts Professor Policy, 2013, the Tisch Teach Policy, 2014, and the Gallatin Contract Faculty Policy, 2015), ‘‘In such an event, the review would focus on whether the faculty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity.’’

Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), d. Procedures for Appointment & Reappointment, Paragraph 1

9. Comment
The selection process for and the composition of the Contract Faculty Personnel Committee (CFPC) are unclear.

Recommendation
Specify the selection process and composition. We recommend that the majority of the committee should be made up of elected, not appointed, members; the majority of the committee should be made up of continuing contract faculty members, where possible.

10. Comment
CFPC processes regarding organization, voting, and reporting are not specified.
Recommendation
We recommend specifying the CFPC’s processes for organization, voting, and reporting, as outlined below:

Organization and Process
The Committee should choose its own chair, who then coordinates the creation of the committee’s report and recommendation for reappointment, which is then submitted to the Law School voting faculty. The duties of the chair should be included in this paragraph, as well as the process of evaluating the review material. The process of the creation of the committee’s report should be explicitly stated with language similar to the following (adapted from the FAS Website, “Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview,” http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html):

“The committee will prepare a written review for the Law School voting faculty evaluating and summarizing the evidence of accomplishment, noting areas that require improvement, and making a recommendation regarding reappointment and contract length (when applicable).”

Voting
Specify that a majority vote of the CFPC shall be required for a successful review for a recommendation for reappointment, and that all votes shall be by secret ballot. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.

Reporting
Add language detailing the process governing the creation of the review committee’s report, similar to that found on the FAS website, “Procedures for Reappointment and/or Promotion” for clinical faculty (http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html) adapted as follows:

“The review may be written by one or more members of the CFPC, but all members of the committee should read the review before it is submitted to the Law School voting faculty. 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.”

11. Comment
This section does not make clear the Dean’s role in relation to the CFPC/CPC and the full faculty vote. For example, do the CFPC/CPC make a recommendation to the Dean prior to the full
faculty vote? Can the Dean decide in the negative before the full faculty vote? Or can the Dean make an appointment or reappointment decision counter to the full faculty vote?

Recommendation
Clarify the Dean’s role, if any, in the appointment and reappointment process. Include reporting guidelines for the Dean if his or her decisions figure into final reappointment decision.

Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), d. Procedures for Appointment & Reappointment, Paragraphs 2 and 3

12. Comment
This section does not specify review start notification, contract clock stoppage grounds, and review decision notification deadline.

Recommendation
Add language to satisfy each area:

Review start notification
Add language similar to:
“During the first week of the academic year in the penultimate year of an appointment, the faculty member receives notification that she/he is up for review.”

Contract clock stoppage
Specify the grounds for and process of stopping the contract clock by adding language satisfying the following from the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, page 6:

“Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include: … the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation;”

Review decision notification
Include language specifying the review notification deadline, in accordance with the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, page 6:

“...all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision. Normally, a Continuing Contract Faculty must be notified of the intention not to be reappointed no later than March 1st of
the final year of the contract, if the appointment is to be terminated on August 31st. Normally, a Continuing Contract Faculty whose period of appointment is due to terminate on a date other than August 31st must be notified of the intention not to be reappointed no later than 180 days prior to the termination date.”

**Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), d. Procedures for Appointment & Reappointment, Paragraph 2**

13. **Comment**
Regarding the final sentence of paragraph 2: “At the request of a single member of the Committee, the Committee may also undertake a mid-contract review in the second year of the contract term,” the policy does not make clear on what grounds such a review would take place, and the possible results of such a review.

**Recommendation**
Add language which clarifies the grounds for and possible results of a mid-contract review.

**Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), d. Procedures for Appointment & Reappointment, Paragraph 3**

14. **Comment**
The selection process for and the composition of the Clinical Personnel Committee (CPC) are unclear.

**Recommendation**
Specify the selection process and composition. We recommend the majority of the committee should be made up of elected, not appointed, members; the majority of the committee should be made up of continuing contract faculty members, where possible.

15. **Comment**
CPC processes regarding organization, voting, and reporting are not specified.

**Recommendation**
See Recommendation # 10 above for suggested language.

16. **Comment**
As stated earlier, we recommend reducing reliance on two-year contracts to prevent the establishment of a permanent group of continuing contract faculty on shorter-term appointments.
**Recommendation**

We recommend the policy establish a time frame for limiting reappointment for two-year appointments, allowing those faculty who successfully complete a formal review on a two-year appointment to transition to three-year appointments. For example: “Faculty members on continuous two-year appointments who successfully complete a second formal review shall move to at least a three-year appointment.” If the Law School has a formal policy for promoting from two-year to three- or five-year appointments, the promotion criteria and procedures (for all ranks) should be outlined in a section related to promotion.

**Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), d. Procedures for Appointment & Reappointment, Contracts Concerning Appointment and Reappointment, paragraph 2**

17. **Comment**

Regarding this sentence (“Any one-year appointment must be important to meeting programmatic and/or academic objectives and must be so justified at the time the contract is offered”), the recipient of the justification is unclear, and the justification should be offered at the recruitment stage.

**Recommendation**

We recommend the following revision (in italics): “Any one-year appointment must be important to meeting programmatic and/or academic objectives and must be so justified to the relevant appointment committee (CFPC or CPC) during the recruitment phase.”

**Policy Section: IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF (pages 4-5), Title**

18. **Comment**

This section’s title includes “Promotion” in its scope, but the Policy does not outline promotion criteria and procedures.

**Recommendation**

Remove reference to “Promotion” in this Policy. In the future, the school should amend this Policy, with full faculty review and vote, to include promotion procedures and criteria, and grievance rights and procedures related to promotion.

**Policy Section: IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF (pages 4-5), Paragraph 2**
19. Comment
If a decision was in the negative at any stage of the reappointment process, the faculty member should have access to reports related to the CPFC or CPC decision (including minority decisions); the faculty vote decision; and/or the Dean’s decision.

Recommendation
We recommend adding the following language: “In all cases of an appeal to a negative decision related to reappointment, the faculty member will have access to the relevant full reports, including recommendations and comments by committee members, or the Dean.”

Policy Section: IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF (pages 4-5), Paragraph 3

20. Comment
The composition and selection of the Executive Committee is not made clear in this Policy.

Recommendation
We recommend that the grievance/appeal process closely follows the principles elaborated in the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 7, Section V. Grievances Related to Reappointment and Promotion of Continuing Contract Faculty, section d., paragraph 2, which state:

“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.”

If the Executive Committee does not meet these criteria, we recommend establishing a new standing faculty committee for CCF grievances following the above.

Minor Substantive Recommendations
Policy Section: II. Responsibilities of CCF, Paragraph 1 (pages 1-2)

21. Comment
The list (“They teach, take on administrative roles…”) is not inclusive of all the categories which follow in the bullet points.
Recommendation
Expand the list. Suggested additional language:
“They teach, take on administrative roles, run academic programs or centers, pursue scholarly work, and engage in continued professional development.”

Policy Section: Appointment and Reappointment of CCF (pages 2-4), c. Criteria for Reappointment

22. Comment
Additional assessment criteria for teaching may be valuable to reappointment review.

Recommendation
Consider expanding assessment criteria to include other possible measures such as course materials (e.g. syllabi, lecture notes, assignments), course development and innovation, instructor development, samples of student work, and examples of learning beyond the classroom.

Editorial Recommendations

Policy Section: III. Appointment and Reappointment of CCF (pages 2-4), a. Titles

23. Recommendation
Line 10: “faculty members employs” becomes “faculty member employs”
November 23, 2015

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

From: David W. McLaughlin, Provost

Subject: Law School Continuing Contract Faculty Policy

Dean Trevor Morrison has submitted to me the School of Law Policy on Continuing Contract Faculty Appointments. Dean Morrison’s memo (attached) provides background information about the creation and approval of the policy.

The Law School worked together with my office and the Office of General Counsel 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.

As is our practice, I will consider the Councils’ comments in consultation with the Law School before finalizing the document. Please let me know if you have questions that my office can address to facilitate your review, and feel free to consult Dean Morrison. Thank you for your prompt attention to this document.

cc: Katherine Fleming
    Trevor Morrison
    Carol Morrow

Karyn Ridder
Peter Gonzalez

Attachment
NYU SCHOOL OF LAW
POLICY ON
CONTINUING CONTRACT FACULTY APPOINTMENTS

The NYU Provost’s Office (the “University”) has issued University Guidelines for Continuing Contract Faculty (“CCF”) Appointments, and directed each school governed by these Guidelines to establish its own policies consistent with the Guidelines. NYU School of Law (the “Law School”) accordingly establishes this policy. If at any point this policy is inconsistent with the Guidelines, the University policy controls. As with all NYU and Law School policies, this Policy is subject to change.

Every five years, the Dean of the School of Law will appoint a committee of faculty and administrators to review this policy. Working with the Dean, the committee will prepare a written report, including the success of and/or challenges in implementing the policy, which report will be provided to the Provost of the University.

I. Definition of Continuing Contract Faculty

This policy applies to CCF as that term is defined in University Bylaw 87(a), i.e.,: those members of the faculty who are not tenure/tenure track and who: (1) have full-time appointments; (ii) have appointments that do not prohibit indefinite contract renewals; and (iii) are not visiting faculty (including persons who have tenure or are on the tenure track at another institution and persons who are on leave from another institution or company). At the Law School, the scope of this policy does not include faculty on fixed-term appointments (Acting Assistant Professors of Lawyering, Acting Assistant Professors of Tax, fellows of any kind), those with part-time appointments (Adjunct Professors) or with appointments of less than one year in duration.

The fact that an individual holds a non-tenure position listed in Bylaw 89 as cited in the Faculty Handbook does not conclusively establish that the person is a CCF.

II. Responsibilities of CCF

CCF are fully integrated into the intellectual life of the Law School and bear many of the same responsibilities as Tenured/Tenure Track faculty. They teach, take on administrative roles, and run academic programs or centers. The exact contours of each CCF member’s responsibilities are developed in consultation with the Dean and a Vice Dean. In general, CCF must:

1 Subject to approval by the Law School Legislative Faculty.
• Carry a full teaching load. This usually means teaching 10-11 credits per academic year and possibly also supervising a reasonable number of student writing projects, as well as being reasonably available to students as an advisor and resource.

• Participate in law school governance, including by attending faculty meetings with tenured/tenure track faculty, and/or, if the CCF so choose, holding their own faculty meetings in accordance with Bylaw 82(c). CCF are represented 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.

• Accept administrative responsibilities, which may include program direction, service on committees, participation in the NYU community at large as a representative of the Law School, and other activities.

• Actively pursue scholarly work, including by attending conferences, publishing articles and other publications, and generally engaging with other people working in the same field of study.

• Maintain their stature and connection to the professional communities from which they are drawn, including (but not limited to) by attending conferences, networking, presenting CLE courses, etc.

This list is illustrative and not exhaustive. CCF at the Law School may be called upon to provide a wide range of services to the Law School, its students, the legal community, and the University at large. For further guidance, see the Faculty Handbook.

III. Appointment & Reappointment of CCF

a. Titles

At the Law School, at this time, CCF titles include clinical titles (clinical professor, clinical associate professor, clinical assistant professor), and practice titles (professor of practice, associate professor of practice, assistant professor of practice). The responsibilities of clinical continuing contract faculty do not vary materially from those of professors of practice, but indicate different starting points for approaching teaching: Clinical titles indicate that the faculty member teaches from an academic model, whereas practice titles indicate that the professor’s expertise and teaching approach are based on real-world experience in various areas of legal practice. Further, traditionally, a clinical title denotes that the faculty member may employ experiential learning techniques in his or her classes; a practice title typically indicates that the faculty members employs a more traditional classroom-based pedagogical method. On a going-
forward basis, a two- three- or five-year term will be standard for faculty in both clinical and practice titles; these terms of appointment typically correspond to rank.

Additional titles listed in University Bylaw 89 may also be applied to CCF at the Law School.

b. Criteria for Appointment

CCF usually, but not exclusively, are experienced practitioners who demonstrate excellence in scholarship and teaching. Often, they join the Law School after a distinguished career in practice. In all cases, the Law School seeks to hire faculty who will offer the best available education to its students through outstanding teaching and mentoring. They will also exhibit commitment to the Law School, and the legal profession.

c. Criteria for Reappointment

The Law School will utilize the following materials to evaluate a CCF for reappointment: student evaluations during the appointment period (and end of the prior appointment period if applicable), peer evaluation(s) conducted during the appointment period, CV which includes scholarship and professional activities undertaken during the appointment period. The materials must establish that the CCF continues to meet the Law School’s standards for excellence in teaching, mentoring and contributions to the Law School community. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs.

d. Procedures for Appointment & Reappointment

To handle all new CCF appointments, and reappointments other than those of clinical professors, the Law School is creating a new committee called the Contract Faculty Personnel Committee (“CFPC”). Once this Policy is adopted, the new CFPC, which will comprise tenured/tenure-track and contract faculty, will have jurisdiction over all non-clinical CCF appointments, reviews, and reappointments. This new Contract Faculty Personnel Committee will make recommendations concerning the appointment and reappointment of non-clinical CCF to the Law School voting faculty, and each appointment or reappointment will then be put to a faculty vote. For the purposes of CCF appointments and reappointments only, other CCF shall be included among the faculty permitted to vote on personnel matters.

For three-year contracts, the Contract Faculty Personnel Committee will conduct a review for reappointment to the same or higher title in the spring of the second year. The Committee will review CCF with five-year contracts for reappointment in the spring of the fourth year of the term. At the request of a single member of the Committee, the Committee may also undertake a mid-contract review in the second year of the contract term.
The Clinical Personnel Committee (the “CPC”) will review candidates for clinical CCF appointments and reappointments, and will make recommendations to the voting faculty, which for the purposes of CCF shall include other CCF. With regard to reappointments, the Clinical Personnel Committee will review contract clinical faculty with two-year contracts at the conclusion of their first year; will review faculty with three-year contracts in the spring of their second year; and will review five-year contracts in the spring of their fourth year.\(^2\)

Contracts Concerning Appointment and Reappointment

At the time of his or her initial appointment, all CCF, regardless of the length of their appointment, will be provided with a written letter agreement which is to be signed by both parties that includes the following information:

- The contract’s term, including its start and end date;
- Eligibility for reappointment at the end of the contract term;
- The CCF’s responsibilities and compensation;
- The benefits the CCF will receive;
- Notification that the CCF is bound by all NYU policies that apply to other members of the Law School faculty and administration; and
- Notification that the contract will terminate automatically on the end date if it is not renewed.

Use of contracts with one-year terms generally will be used only to fill unexpected vacancies on an emergency basis. Any one-year appointment must be important to meeting programmatic and/or academic objectives and must be so justified at the time the contract is offered.

By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can only be achieved by the Law School’s taking affirmative action to do so.

When a CCF is reappointed, he or she will be provided with a new written letter agreement.

IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF

CCF with renewable contracts may submit grievances that allege procedural defects and

\(^2\) When these Guidelines are adopted by the Faculty, this part of the Guidelines will amend on a going-forward basis section II(B)(3) of the Final Report on Voting Rights for Clinical Faculty, adopted by the School of Law Faculty on November 30, 1990 (“Peschel II”). Specifically, in order to comply with new University guidelines, this policy adjusts the available contract durations for new clinical contract appointments from 2, 4, and 7 years to 2, 3, and 5 years, and requires review in a contract’s penultimate year rather than at the start of its final year.
irregularities in the reappointment process. Outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievance must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant. A school’s decision to not undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.

Within 30 days of receiving notification of the denial of reappointment, the CCF should confer with the Vice Dean in charge of Curriculum on an informal basis to seek resolution of the complaint.

If the complaint cannot be resolved informally, the CCF may file a written grievance with the Dean. Within 15 days of receiving a written grievance, the Dean will forward the complaint to the Executive Committee, which shall have jurisdiction over any such grievances. Prior to forwarding the complaint to the Executive Committee, the Dean shall name one CCF to participate in the committee (which otherwise consists of tenured faculty members) for the limited purpose of reviewing the grievance. Student members of the Executive Committee shall not take part in the Committee’s consideration of a CCF grievance.

Upon receipt of the complaint, the Executive Committee shall review it and consider whether: (a) the procedures used to reach the decision were proper or improper; or (b) the decision not to reappoint violated the faculty member’s academic freedom. The Committee does not judge the professional merits of the case.

Within 45 days after receiving the written complaint, the Committee will advise the Dean of its recommendation. The Dean shall decide the case and will notify the faculty member in writing of his or her decision within 15 days after receiving the Committee’s recommendation. If the Dean disagrees with the Committee’s recommendation, within 15 days after receiving the recommendation, the Dean will so inform the Committee and will explain in writing the reasons for the disagreement.

Should the Dean’s decision not be satisfactory to the CCF, the faculty member may appeal to the Provost of the University. The Provost will then review the case in accordance with the procedures set forth in the University’s Guidelines for Continuing Contract Faculty Appointments.
Committee on Faculty Benefits and Housing

The committee is scheduled to meet on May 17, 2016, jointly with its T-FSC counterpart and together with Vice President for Human Resources Sabrina Ellis, to begin discussions on recommendations for faculty employee benefits to be offered in calendar year 2017.

Respectfully submitted,

Vincent Renzi
Senate Academic Affairs Committee Report  
May 12\textsuperscript{th}, 2016  

Committee Members: Peggy Morton, Larry Slater, Ben Stewart (Chair)  

The Senate Academic Affairs Committee last met on April 28\textsuperscript{th}. At that meeting we reviewed a slate of honorary degrees and continued our discussions on how to reconfigure the Founders’ Day award. There has been a suggestion to add a service component to the award, and we are now working on the issue of how many awards to offer and how many will come from each school.  

Respectfully submitted, Ben Stewart
Report of Representatives to the Senate Ad Hoc Committee on Work-Life Issues

(1) The committee met on April 21, 2016. Present for the C-FSC were Vincent Renzi and Diane Mirabito.
    The meeting was devoted to finalizing the survey to be sent to all full-time (non-union) employees.

(2) The committee’s next meetings are schedule for May 9th, May 11th, and May 12th.

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 is scheduled to meet over the summer on May 24th, June 28th, July 26th, and August 23rd.

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 Representative to the Faculty Committee on the Global Network

(1) On May 3, 2016, the committee sent to President Hamilton a memorandum recommending efforts the University might undertake to provide academic support for Syrian students and scholars.

(2) The committee’s final meeting of the year is scheduled for May 12th. The major agenda item will be finalizing this year’s annual report.

Respectfully submitted,

Vincent Renzi
UAAC Committee Report

The University Academic Affairs Committee (UAAC) chaired by Matthew Santirocco works with a ‘rolling agenda’ and discusses a wide variety of academic topics at each meeting (the committee met six times this academic year; the last two meetings were scheduled when I was teaching and so I was unable to attend, but kept up with committee business through e-mail and minutes). The topics which received most attention and most discussion were:

1. The influence of NYU’s global network on the student experience at NYU
2. Teaching support and orienting new faculty
3. Student diversity and inclusion
4. Global learning outcomes
5. Student course evaluations
6. Writing instruction and support
7. International Students
8. Academic Integrity

The first four items are ongoing topics of discussion within the committee and will continue to claim this committee’s attention in the upcoming year. Item 5 is a matter of discussion in a number of venues around the university (as we learned from committee reports at our last Council meeting). Item 6 resulted in an ‘advisory’ issued by the UAAC and accepted by the Provost; Items 7 and 8 will be taken up by this committee next year.

I recently informed Matthew Santirocco that since I am retiring from NYU at the end of this semester, our Council will need a new representative on the UAAC for next year and Matthew forwarded my message to Fred Carl and asked that a new C-FSC representative be named to the UAAC for academic year 2016-2017.

Respectfully submitted,

Ron Rainey

May 9, 2016
TO: Full-Time Continuing Contract Faculty Senators Council
FROM: Susan Stehlik, Stern Senator
DATE: May 11, 2016
RE: Summary Report of the Provost’s Committee on Academic Priorities

The Committee met on April 12, 2016 for the final meeting of the year and Provost McLaughlin’s tenure.

Since I was not in attendance, I asked Prof. Michele G. Shedlin from the College of Nursing to take minutes for our Council. These are her minutes in their entirety, along with an attachment of Sample Programs in the Division of Student Affairs.

The meeting was held from 6:00-9:00 pm in the Torch Club. It was divided into 3 sessions: Faculty involvement in residential halls; Opportunity Programs; Research expenditures.

Faculty Involvement in Residential Halls

NYU owns 75% of the residential halls and 25% are leased. The model developed by NYU, given the “campus” of NYC, is different from other universities. Importantly, rather than choices going to more senior students, sophomores are given choices and junior and seniors expected to move farther out from the Square. The idea of faculty involvement is to “implicate faculty into the lives of the students early in their schooling”. The types of involvement presented were: Faculty Fellows-in-Residence; Faculty Affiliates; Writing Affiliates; Visiting Faculty Program and the Pathways Program. [attached are details of these opportunities].

Opportunity Programs

This presentation involved statistics of the HEOP, CSTEP and STEP/BEST programs. HEOP has been in existence at NYU for 47 years and is the largest of the State’s HEOP programs with 575 students. Acceptance is based on income with no racial/ethnic requirements. CSTEP is directed at primarily Black, Latino and Asian/Pacific Islanders from any income level, however they must have a 3.5 GPA to be admitted. Most are STEM (70%) students. There is a strong emphasis on counseling and tutoring, and summer programs are required. Leadership training is integrated into the programs. The graduation rates are impressive, and the attending faculty wondered why there is not more information or PR out regarding these successes. Concerns about the stigma which could be associated with attending NYU in these programs was the main reason given.

Research Expenditures

The total annual research expenditures of NYU were given as $500M. NIH and DHHS account for 31% of this figure; NSF for 14%. NYU is ranked 38th (Michigan 37th; Emory 36th; Purdue 35th). Nursing was highlighted as “a success story”, and the Provost wondered why there had not yet been more announcements regarding the Meyers gift. I did mention the pending NIH Center (CDUHR) monies to him as we talked after the meeting and he was delighted with yet another Nursing success.

Final Meeting of the Provost’s Tenure

Speeches, applause and toasts thanked the Provost for the many years of leadership of this committee which he began upon entering the position. It remains to be seen if this committee will be continued under the leadership of the new provost. [photos attached]

Enc.
A Sample of Faculty Programs in the Division of Student Affairs
Academic priorities Committee
April 12, 2016

Faculty Fellows-in-Residence
Residential Life and Housing Services
The position of Faculty Fellow-In-Residence is part of an ongoing university effort to create intimate "learning communities" for our students within the residence halls as a way to integrate students' academic experiences with their residential lives. A key aspect of this effort is the creation of a meaningful and active faculty presence in the residence halls. Faculty Fellows work closely with one another and with residence hall staff to set an intellectual tone in the residence hall, and to design and implement a wide range of programmatic and other opportunities for students to interact with faculty members and other members of the students' community.

Faculty Affiliates
Residential Life and Housing Services
Faculty Affiliates work closely with Resident Assistants and a specific Explorations floor or Residential College stream. These communities are based on various thematic topics, such as Science and Technology, the Meaning of Food, Serve the City, or Artists in Development. By bringing cultural and intellectual experiences more directly into the residence halls in a lively and more informal fashion, the Faculty Affiliate offers students the benefits of "small college" life within the larger contexts of both the University and the City of New York.

Writing Affiliates
Residential Life and Housing Services
The Writing Affiliates initiative aims to bring the culture of the Expository Writing Program into the First Year Residential Experience (FYRE) residence halls, providing support for a year in the life of a student writer. Through events designed to address the challenges of first-year writing courses, this program fosters a productive culture of academic writing in the residence halls. Writing Affiliates collaborate with Student Affairs professionals as well as student staff to create a residential community that supports first year students' intellectual, social, cultural, and ethical development. As with all Living Learning programs, Writing Affiliates combine formal teaching, information learning, creative activities, and personal support to create an enhanced student experience.

Visiting Faculty Program
Residential Life and Housing Services
The Office of Residential Life and Housing Services hosts approximately 20 - 24 visiting faculty members per year. These visiting faculty members are thought leaders in their discipline who collaborate with faculty fellows, faculty affiliates, department staff or other university partners to share their expertise with students. The guest faculty stay in a fully-furnished apartment in in the Gramercy Green Residence Hall. During their stay, the visiting faculty coordinate activities of their choice with NYU undergraduates. The activities may include lectures, dinners and group discussions.

Pathways Program
Student Resource Center
The Pathways program is part of an effort to provide opportunities for new incoming (both transfer and first-year) commuter students to engage in experiential learning outside the classroom. The program has themed learning communities that allow students to discover different topics with an NYU faculty member and either a commuter assistant or transfer ambassador as a guide. The program combines formal teaching, informal learning, creative activities, and personal support to bring students together to build a shared community while delving into all that New York City has to offer.
TO: Full-Time Non-Tenure Track/Contract Faculty Senators Council  
FROM: Susan Stehlik, Stern Senator  
DATE: May 11, 2016  
RE: Summary Report of the Affordability Committee

The Committee met on April 7, 20 and May 10.  
There was a joint Tenure faculty Council and CFSC “How might we Session” held on May 5.  
The following notes summarize these meetings, except for May 10, which I did not attend but will secure notes.

April 7  
It was established that the Administrators will have a 20 member committee to address administrative issues of affordability.  
A discussion was held on the different paths students take in their academic careers and how support at the front end in advising and preparation to do well would affect affordability.  
Other ideas that held traction were:  
- Credit for courses before you arrive  
- A central structure to do the first year not on Washington Square

April 20  
TFC is holding a “How Might We session” Suggestion was made to join with CFSC, which was agreed  
Some complaints are filtering to the committee that we aren’t doing enough to promote the work of the committee and the in-person sessions.  
Discussions continued around the following:  
- Should we reimagine the bachelors degree  
- Do we put more experience up front in the degree, instead of all academic work  
- Working group getting answers to reality cost sheet  
- Reduce costs for books and meals; We are #2 because of our other costs not tuition  
  - Meal plans required 300 meals - we could demand 225  
  - In conversation. With bookstore to shift digital books And use Amazon  
- Financial literacy course in welcome week  
- Buy a credit or a course for a student and establish direct connection with donor  
- How popular is the double major; some double majors want to stay longer, should we invent them to finish in 8 semesters  
- How can a student finish in 6 semesters versus 8 semesters; 4 options:  
  - Acceleration to make up 4 courses so you graduate one semester early; saves $15,000 of room and board if you do January; summer 1 is 6 weeks. J term is 3 weeks  
  - Count AP courses for credit, wealthy high schools offer AP. Would we have to offer on line AP courses. Or accept transfer credits at a community college. Get a license from the cc school  
  - You pay for 18 credits, but you take 20 credits for the same cost, do more J term courses in global network  
  - Stern will accept up to 8 credits from summer courses when they go home, don’t lose sight of the loss of revenue  
- 700 empty beds in Abu Dhabi, bring students there, create a culture of real connectivity  
  - Dennis Delorenzo, Dean of SPS discussed a 10 month bridge program for US grads who aren’t ready yet for college  
- Similar program in France

A strong voice was put forth that we cannot lose our path of affirmed value with the degree; it’s not just about cost.  
How can a student finish in 6 semesters versus 8 semesters  
4 options:  

May 3: How might we session was held for the FTSC and CFSC – few attended;
The Committee met on March 29, April 18 and May 6
The following notes summarize these meetings; not all members were present for all meetings, thus a draft.
Final version will be submitted later.

March 29
- Students presented a budget that included recommendations for office staff, improved technology, support for clubs, free metro cards, support for financial aid to international students, dining experience changes and recommended a support office for inclusion activities.
- Tenured faculty budget requests will be submitted in April
- A discussion was held on student minimum wage and creating a classification system to pay students by job responsibilities rather than 1 wage for all.

April 18
- TFSC - Budget Presentation
- David presented but not a co-chair nor were the co-chairs present in the meeting
- Central Admin too expensive
  - Tony Jiga - stated from the 3/4 affordability sessions
    - Schools should work with Ellen Schall (President Office) for an affordability session
- Greater transparency of each of the school levels budget would help
  - ideas on budget or affordability can not be generated without greater transparency
- Purchasing problems exist
  - Why is our purchasing process so screwy”?
    - Our purchases via Purchasing Dept cost more than say on Amazon
    - Stephanie VP financial admin and IT, states this is not true
- TFSC CFSC should think of ways to generate more money from teaching
  - Economics - CAS major is majority major
    - this unit discourage enrollment due to lack of staff
    - Tommy points out that in Tandon there is a 12 credit limit for each teaching staff
    - David states - Exec teaching gets extra classes at Stern
    - This should serve as a General guideline for other schools
    - We should have a local level experiment -
    - Tandon should be used to determine if extra load with pay would help in affordability
    - George MD on phone - talked about Presidents reception and discretionary funds given to each Dean - Do all the Deans get it? And what do Deans do with it Money
    - David points out that a larger faculty will result in less pay for all; we should do opposite
    - John - Construction needs to be better organized and better budgeted... too many inefficiencies
- Tony Jiga questions David regarding TFSC Budget
  - AMI catching up with inflation
    - within 10 yr - use of cumulative AMI have increased beyond inflation (a prior complaint of TFSC)
• Budget errors found in TFSC budget
  ▪ Tony points out that budgets are not on accrual basis but its always based on cash
• Individual school budget reporting is based on Deans willing to share the information with its faculty
  ▪ Central Office can only shows University wide budgets
  ▪ Transparencies beyond the division is difficult
• Tony suggests that we should really think of more Shared services to reduce budgets
  ▪ Centralize more departmental level admins
  ▪ Central IT
  ▪ Smart Purchasing
    • Rubber gloves
    • Med Center centralized gloves purchasing and saved $3/4 millions
  ▪ recycled toner -
    • on the other hand use of recycled toners broke more machines; did not save schools
  ▪ HVAC problems – how to correct them
  ▪ Better reporting of Centralized problems

• Next meetings
  ▪ 5/6 12:30
  ▪ Marty will answers requests to all budgets

May 6
It was requested that the response to the budgets be held confidential until the Deans distributed the AMIs
Each budget was presented and notes will be released after Deans statements to their schools.
TO: Full-Time Non-Tenure Track/Contract Faculty Senators Council
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DATE: May 11, 2016
RE: Summary Report of the Ad Hoc Sexual Misconduct Committee

The Committee met on April 14 and May 5 to discuss the policy language around consensual relationships. The text from the two related policies appears below. Central to the question was to what extent one could define a consensual relationship based on age, student status and/or job status within the University and within the Global University. Minutes from the May 5th meeting were not finalized as of this writing.

**Text from the NYU Non-Discrimination and Anti-Harassment Policy**  
*superseded by Sexual Misconduct Policy*

Consensual relationships involving sexual behavior that is welcome and voluntary do not constitute sexual harassment under the law. Romantic relationships in situations where one individual has greater power or authority over another, however, frequently result in claims of harassment when the relationship ends, and perceptions of favoritism while they continue. Such relationships are inappropriate. A "consensual" relationship between a supervisor and a subordinate is an example of an inappropriate relationship. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

**Text from the current Sexual Misconduct, Relationship Violence and Stalking Policy**  
*supersedes the NYU Non-Discrimination Policy*

Sexual behavior that is welcome or consensual by all involved parties does not constitute Prohibited Conduct. However, consensual sexual relationships in situations where one individual has power or authority over another may result in claims of Prohibited Conduct, and/or may give rise to complaints by others of disparate treatment. Examples of such relationships may include: a professor and his/her Student, a supervisor and a subordinate Employee, or a coach and team member. If such a consensual relationship occurs, any situation of authority should be discontinued immediately.

Minutes from the May 5 meeting have not been submitted and I was not in attendance.