MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF OCTOBER 16, 2014

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, October 16, 2014 in in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Grand Hall.

In attendance were Senators Allgood, Alter, Amkpa, Antoon, Backus, Becker, Chan, Diner, Disotell, Goodwin, Jacobs, Jelinek, Kane, Klimke (by phone), Ling, Ludomirsky, Pearce, Porfiri, Rajagopal, Smith, Sundaram, Uleman, Zwaniger; Active Alternates Archer; Alternate Senators Borwowiec (for Garabedian), Dasanayake, Jerschow (for Mincer), Reiss, Samuels (for Adelman), and Tannenbaum; and Past Chair Magder. FSC Former Chairs Al-Askari and Lebowitz; and Former Members Moskowitz and Raiken attended as guests. Special guests Gordon, Kraus, Leary, and Maslon were in attendance.


Upon a motion duly made and seconded, the minutes of the May 8, 2014 and September 11, 2014 meetings were approved unanimously.

REPORT FROM THE CHAIRPERSON: RAGHU SUNDARAM

Sexual Misconduct Policy

Chairperson Sundaram reported the Executive Committee nominated three T-FSC representatives to the Committee that will re-draft the Sexual Misconduct Policy: Senators Victoria Stanhope, Nancy Van Devanter, and Sinan Antoon. He thanked them for their participation and noted he asked that a faculty member co-chair the Committee, given the policy relates to both faculty and students.

Undergraduate Academic Affairs Committee and Special Committee on the Implementation of the Middle States Commission on Higher Education Report

One T-FSC representative is needed for the Undergraduate Academic Affairs Committee and one representative for the Special Committee on the Implementation of the Middle States Commission on Higher Education Report. Sundaram asked for volunteers, no one volunteered, so the Executive Committee will seek specific nominations.

Presidential Search Committee

Sundaram reported the faculty members on the presidential search committee met with several groups of faculty in the university, including elected councils of all schools. Board of Trustees members were invited to each of these meetings. Committee members also met with the department chairs and alumni of the university. Sundaram stated the committee is currently collecting criteria to incorporate into the profile description. This will be done over the next few months, so there is time to send any feedback, suggestions, examples, specific names, etc. The Committee will accommodate any group that wishes to meet with them. He encouraged anyone to send specific names, internal or external, and noted the search firm will anonymously handle researching candidates’ availability and interest, so candidates do not have to commit publicly to being interested in the job.

The Committee has already received over 75 nominations.
Executive Committee (EC) Meeting with Provost Office: September 24, 2014

Sundaram reported the EC met with the Office of the Provost and discussed hiring and student profiles, particularly in Shanghai and Abu Dhabi. This was motivated by last year’s meetings, at which the Provost indicated that the overwhelming majority of students in Shanghai wish to major in business and in Abu Dhabi in economics.

Sundaram passed around his notes from the meeting, and noted they provide a big picture and the exact figures need to be verified.

The university has drawn a fairly detailed 5 year hiring plan for Shanghai, and the hiring patterns more or less mimic New York’s departmental division with faculty hiring targets for 2019 of 28% in social science, 26% in STEM, 25% in humanities, and 21% in business and others. The target faculty size is between 100-150 faculty, spread over 20 different areas of academic inquiry including Literature, Law, History, Mathematics, Computer Science, Data Sciences, Biology, Chemistry, Physics, Neurosciences, Philosophy, Psychology, Sociology, English, Economics, and Anthropology.

The typical group will be somewhere between 3 and 8 people. The only large group is business with a target between 20 and 30 people.

In terms of students, both Abu Dhabi and Shanghai plan to expand to about 500 students per year over the 5 year span. Regarding majors, currently of the 300 student in Shanghai, 117 are undecided, of the remaining 183, 96 are business and social science majors, 43 are STEM majors, 21 are humanities, and 16 are arts majors.

FSC COMMITTEE REPORTS

Faculty Benefits & Housing: Committee Co-Chairs Chan & Stokes

Special Guest Presentation: Andrew Gordon, Vice President, Human Resources

Co-Chair Chan introduced the special guests: Andrew Gordon, Vice President, Human Resources, Alison Leary, Executive Vice President for Operations and Ann Kraus, Senior Director, Global Compensation & Benefits.

The Benefits & Housing Committee collaborated with these members of Human Resources over the summer to discuss and offer feedback on benefits and benefit changes.

Gordon presented a PowerPoint presentation regarding the 2015 benefits plan changes. He noted these changes are going to be effective as of January 2015.

The following plan design changes have been approved:

- Changes to pharmacy coverage for increased use of generic drugs
- Additional coverage for advanced infertility benefit and gender reassignment
  - Currently there are 5 healthcare plans. All of the plans have a basic coverage for fertility treatments, but only one of the HMOs covers advanced infertility. In 2015, advanced infertility will be covered across all of our plans.
- Communication of intent to eliminate Oxford and Aetna HMO plans for 2016
  - It will be communicated one year in advance, that of the 5 plans, the two HMO plans will be eliminated in January 2016.
- Introduction of Centers Of Excellence for infertility benefits
• Recommended increase in employee contribution on an overall average of 5% (increases may vary by plan)
  o If no changes were made to plan designs, based on our claims cost data, premiums would need to be increased by 6%. As a result of these modest changes and improvements to the quality of the care and the competitive care that NYU provides, the increased cost is only at 5%.
• No increase for dental or self-insured retiree medical plan contributions

New Benefits, based on feedback from NYU employees, include:

• Introduction of additional employee paid voluntary benefits including Group Legal and Identity Theft
• Expansion of Supplemental Life Insurance offering for spousal and dependents

Gordon stated NYU has a 20% employee cost sharing target for payroll contributions.

Gordon noted the 5 healthcare plans have not changed significantly since 2007. Some changes to deductibles and copays were made back in 2011, and in 2013 the high deductible health plan was introduced.

He stated enrollment distribution across plans has been generally consistent for many years. Introduction of the consumer-driven High Deductible Health Plan (HDHP) for 2013 garnered minimal enrollment. Current enrollment in plan is as follows:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>POS Value</td>
<td>29%</td>
</tr>
<tr>
<td>POS Advantage</td>
<td>47%</td>
</tr>
<tr>
<td>Oxford HMO</td>
<td>8%</td>
</tr>
<tr>
<td>Aetna HMO</td>
<td>12%</td>
</tr>
<tr>
<td>UHC HDHP</td>
<td>5%</td>
</tr>
</tbody>
</table>

He reported NYU’s active gross cost medical increases for faculty and administrators have historically been more variable, and slightly less favorable, than market trends. NYU has managed the employee contribution changes to have less change from year-to-year than underlying costs. He presented charts on the Change in NYU projected faculty & administrators active medical gross cost increases and employee cost sharing.

NYU has tried to moderate these changes and align with the rest of the industry, which includes other universities and large employers. He stated NYU strives to remain close to consistent to what the other employers are doing, yet also address and ensure the University is paying for quality health costs for employees.

**Generic Drugs**

Gordon explained that in the new plan, employees who ask for the brand drug versus the generic drug must pay the difference between what the generic drug costs and the cost of the brand.

In the case of step therapy drugs, specifically cholesterol and high blood pressure medications, employees will be asked to try one of the drugs within that group, with physicians input. He explained the pharmaceutical companies, in order to protect their brands, and with the ability to charge higher rates for brands, make very minor changes in drug chemical compositions that, according to experts, do not impact the effect.
If there is a medical reason to choose a brand versus generic, or in the case of step therapy, to not use another drug within the group, employees may go through a medical appeal process. If the appeal succeeds, the employee will be refunded the difference.

**Advanced Infertility**

Advanced infertility coverage will no longer be limited to one plan, and will be covered under all plans. In addition, a center of excellence for infertility will be introduced. Centers of excellence are used by employers to encourage their employees to go to the best care possible in the particular area, based on outcome data. If a patient needs treatment for advanced infertility, they would be contacted by a medical professional within the health plan to inform them of success data on particular treatments at particular facilities. It is not mandatory, but an outreach effort based on quality of care, not cost of care.

**Added Coverage for Gender Reassignment**

This is a relatively new and expanding area. NYU researched other universities' policies, and Gordon reported NYU will be at forefront of that curve for including coverage for gender reassignment.

**Eliminating HMOs**

Oxford and Aetna HMO plans are the most expensive plans for employees and provide little difference in coverage compared to United Health Care Plans. Gordon reported through a disruption analysis, the research looked at every individual receiving coverage under the two plans and compared it to the providers of coverage in the United Healthcare plan, and little difference was reported in available medical providers in the Oxford and Aetna plans versus switching to the United Healthcare plans. The vast majority of difference applied to which labs were used by these HMOs.

**5% Aggregate Cost Increase**

Gordon presented a diagram showing the dollar amount of cost increases across the plans and across the tiered salary band system. The cost increase varies between plans: 3% POS Value/CDHP and 5.6% for other plans. He noted the average healthcare cost increases in this sector of employers of our size and universities is 5-7%.

**Communicating Changes**

- Encourage enrollment in HDHP through development of additional materials and prominence at upcoming Benefits Fairs in Manhattan and Brooklyn
- Highlight and explain revisions in plan designs scheduled for 2015 and 2016
  - Send specific communication to those enrolled in HMO plans
- Refresh annual Benefits Overview Guide to highlight decision support tool availability

**Annual Enrollment and Benefits Fairs**

Gordon reported annual enrollment begins Monday, November 3, and ends Monday, November 24. He noted, based on feedback, the end date was switched to a Monday when the office was open and available for questions. Benefits Fairs takes place on Tuesday, November 4 in Palladium Hall, Tuesday, November 11 in the Kimmel Center, and Wednesday, November 19 in SOE, Brooklyn.

**Questions**

A Senator asked if the maximum contribution amount in pretax dollars to the health savings account will be increased. Gordon stated the amount is set by the federal government.
A Senator asked about the administrative costs.
Gordon stated he would report back with exact figures. NYU is a self-insured plan as opposed to a fully insured plan, so less claims does not result in savings. The administrative costs are included in the fringe budget of the university.

A Senator asked if the 80/20 split included administrative costs.
Gordon responded he would confirm the percentages and a timeline of the last 5 years.

A Senator asked if a physician writes a prescription for the brand name drug, and the employee goes to the pharmacy to buy a generic, will a new prescription for the generic be necessary?
Gordon responded you do not need a new prescription, the pharmacy will offer you the generic.

A Senator asked for clarification on the graph showing actual costs per year, noting in 2014 the costs drop considerably, and for 2015 the projection is up.
Gordon responded it varies year to year based on the actual claims, for instance high cost claims for cancer treatment results in higher actual costs.

A Senator asked if these changes apply to the School of Medicine (SOM) faculty and administrators.
Gordon responded no, the SOM has a separate plan.

A Senator asked if other drug groups besides cholesterol and hypertension treatment will be part of the step therapy.
Gordon responded these two drug groups will be monitored this year, and a determination will be made whether or not other drugs should be included.

A Senator asked if the four salary bands were progressive or regressive.
Chairperson Sundaram responded that when he served on the Benefits Committee in the past, he suggested introducing a higher band, starting at 250,000 and above. He noted that since family income is not taken into account, it is not clear what is equitable. After a year-long process analyzing changes to bands, the conclusion was there was no real benefit to increasing the number of bands. He added the band system is progressive.

A Senator asked about the rationale behind the lifetime maximum of $10,000 for advanced infertility treatments.
Gordon responded if NYU chose unlimited, it would increase costs exponentially. NYU could have also chosen a maximum amount less than $10,000 or limit the number of treatments.

A Senator asked about the industry standard for healthcare cost-sharing.
Gordon responded in reviewing other major universities and the Ivy-plus group, NYU is very competitive with the target of 80-20 employer/employee cost-sharing.

**University Committee: Superblock Stewardship Advisory Committee**

**Special Guest Presentation: Laurence Maslon, Chair of Superblock Stewardship Advisory Committee**

T-FSC representative Goodwin reported the Superblock Stewardship Advisory Committee was formed last spring at the urging of the Space Priorities Working Group, and the charge of the committee is to provide advice to the University and act as a forum for consultation on quality of life issues on the super blocks before, during, and after construction on the site of the Coles Sports Center. This includes providing guidance on such matters as meeting the obligations the university must fulfill prior to construction, the design process for the facility to be built on the Coles site, efforts to mitigate the effects of construction,
ongoing stewardship, and communication between the university and its neighbors. The committee consists of 17 members, including 13 voting members and 4 nonvoting ex-officio members of the administration. Of the 13 voting members, 7 are faculty members, including Larry Maslon, who chairs the committee, and 4 representatives are from the T-FSC: Sewin Chan, Jeff Goodwin, Angela Kamer, and Allen Mincer. There is also a representative from the non-tenure track/contract faculty, and one of the two representatives from the tenants associations is also a faculty member: Eero Simoncelli. There are also two undergraduate students on the committee.

The Committee has had 8 meetings, and 5 more are scheduled for the remainder of this semester. Goodwin reported on the work of the Committee. First, the Committee has given advice on the criteria which should guide the selection of the architectural firm which will design the new building on the Coles site. Second, the Committee has given advice on the architectural firms’ presented proposals. He noted the number of firms being considered has been narrowed down, but a firm has not yet been selected. There is a chance to get further input to the administration on this matter. And third, the Committee has given advice on the criteria which should guide the selection of a construction monitor, or what’s known as an industrial hygienist, which is a type of firm which will oversee construction on the Coles site. These are firms which oversee the construction process independent of the construction firms that will be hired, and they do frequent inspections to make sure that there are no health hazards, no environmental problems, construction is to code, etc. They also have a 24 hour hotline which people in the community can call if they see something they think is amiss with the construction.

The Committee will also offer advice on the choice of construction monitors.

Goodwin discussed the criteria which the Committee thought should guide the selection of the architectural firm which will design the new building. There was agreement on the Committee that the firm should have a reputation for design excellence, including high environmental standards of sustainability, successful experience in designing in a dense urban environment, and academic experience, among other qualifications. And the Committee thought it very important that the firms should have experience in responsiveness to diverse members of the community. And the Committee also stressed the importance of both the construction monitor and architectural firm be open and responsive to the community.

Special Guest Maslon stated the Superblock Stewardship Advisory Committee is a byproduct of one of the recommendations of the Space Priorities Working Group that there be ongoing facilitated discussion before, during, and after construction on the Coles redevelopment site. He stated there are two major aspects of that, one a focus on construction/mitigation and input from faculty, faculty residents, non-faculty residents, and students on the ongoing process. This includes reduction of noise, dust, etc., which the division of operations recently sent a memo regarding mitigation efforts. Based on the recommendation of the working group, there will be an independent monitor to make sure all the rules are being followed and any complaints are followed up in a timely fashion. In terms of architectural selection, there are currently two finalists. Maslon stated the importance of design excellence and noted there are two world class architects. He commented the movement is to have a building that people can not only live with but be proud of and excited by. In addition, the Committee seeks a gold or platinum level of LEED sustainability. Also important is the desire to engage the community and be respectful of the residents on the super blocks. Both firms have built in a four to six month process of talking to the university and the various stakeholders, and hosting various town halls to allow input.

The next initiative is to create policies on the superblocks in terms of land use and enable productive co-existence by residents. He noted the silver towers block is almost 100% faculty represented and Washington square Village is around 50% faculty, 35% graduate students/post docs, and then a small group of non-affiliates. He noted that the last group has almost complete control over the executive committee of Washington Square Village. The Committee is hoping to encourage faculty, spouses, and family members to attend meetings and be more engaged.
Senator Chan noted she sent an email encouraging T-FSC members to attend the WSV tenants’ association meeting and stressed the importance of open dialogue within the community.

A Senator asked about the total approximate cost of the architectural firm versus the independent monitor versus the building costs.

Maslon said he would need to research the exact figures.

**Personnel Policies & Tenure Modifications: Committee Co-Chairs Jelinek & Ling**

**Revision of Appointments, Promotion, and Tenure Document for Dentistry and Nursing**

See attached Document.

Co-Chair Jelinek reported the Committee reviewed the document: *NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis*. The policy was distributed to the faculty, there were three open faculty meetings in the College of Dentistry and one open meeting in the College of Nursing to discuss the changes, and the College of Dentistry Faculty Council held a closed online vote in which 52 votes were cast and all were in favor of the proposed changes.

The Committee presented two substantive issues.

**Substantive issues:**

Note:
The TFSC recommendation for the six occurrences listed in item 1 is given following the identification of all six occurrences.

1. **Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS**  
   **Research-Scholar Track**  
   Assistant Professor (page 6)  
   Second Paragraph  
   “Although the promotion and tenure process may be initiated at any time, a full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten year probationary period **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

   Associate Professor (page 6)  
   Second Paragraph continuing on page 7)  
   “Although the promotion and tenure process may be initiated at any time, a full-time Associate Professor in either of the colleges who is not granted tenure at the expiration of five years if initially appointed as an Associate Professor, or ten years in the combined ranks of Assistant and Associate Professor, **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

   Professor (page 7)  
   Fourth Paragraph  
   “Although the tenure process may be initiated at any time, a full-- time Professor in either college who is not granted tenure at the expiration of three years’ service if initially appointed as Professor **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

   **Clinical-Scholar Track**  
   Assistant Professor (page 8)  
   Second Full Paragraph  
   “A full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not
promoted and granted tenure at the expiration of the ten-year probationary period **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

Associate Professor (page 8)
Second Full Paragraph
“**A full-time Associate Professor in either of the colleges’ who is not granted tenure at the expiration of five years, if initially appointed as an Associate Professor or ten years in the combined ranks of Assistant and Associate Professor, **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

Professor (begins on page 8)
First Full Paragraph on page 9
“A full-time Professor in the College who is not granted tenure at the expiration of three years’ service if initially appointed as Professor **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”

Recommendation:

Consider deleting all instances of **“must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment,”** and replacing it with the provision of Bylaw 86 (b) “… will be ineligible for further full-time appointment in the University”, as Bylaw 86 (b) does not include the phrase: **“must be removed from the tenure track and except in exceptional circumstances, will be ineligible for any future full-time appointment”** and Bylaw 86 (b) does not allow for “exceptional circumstances”.

2. The following requirement for notification of intention not to reappoint appears in the NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS (which does not apply to either the College of Dentistry or the College of Nursing):

   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 [to reappoint]. Normally, a contract faculty member 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 contract faculty member 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;
   - Grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, or maternity leave, or by contractual stipulation or negotiation); and
   - The grounds for grievance and appeal as laid out in this document (below, Section V.).

Likewise, a time limit for notification not to reappoint Non-Tenured Faculty Members on the Tenure-Track is specified in the Faculty Handbook:

   **Title II: Appointment and Notification of Appointment**
   **XI. Notification of Non-Tenured Faculty Members on the Tenure-Track**

   2. Notice of intention not to reappoint a full-time assistant professor, associate professor, or professor shall be sent to the individual affected according to the following schedule:

    a) **Not later than March 1 of the first year of academic service, if the appointment is to be terminated on August 31.**

    b) **Not later than December 15 of the second year of academic service, if the appointment is to be terminated on August 31.**

    c) **In all other cases, not later than August 31, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.**

Recommendation:
As Title II; XI; 2 provides time frames for notification of intention not to reappoint Non-Tenured Faculty Members on the Tenure Track, adherence to Title II; XI; 2 will ensure timely notification of intention not to reappoint Non-Tenured Faculty on the Tenure Track in the Colleges of Dentistry and Nursing.

As NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS provides timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure Track so as to allow sufficient time for such Faculty to seek employment elsewhere, it is recommended that the NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis include similar timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure-Track in the Colleges of Dentistry and Nursing.

There were no objections to the recommendations.

The additional recommendations were minor editorial edits. See attached Document.

For instance, six different word phrases are used to describe the committees throughout the document, making it difficult to determine the number of committees.

In addition, the use of the term clinical might indicate a change of track from a Tenure Track to a Non-Tenure Track. The Committee asked if this was an error, and if not, and it is the intent, this becomes a substantial issue requiring further consideration.

Because of the time constraint, the discussion of these recommendations will be continued at the November T-FSC meeting and a final vote will take place.

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Recommendations of the Faculty Senators Council in regard to:  
*NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis*

**Background**

Charles Bertolami, Dean of the College of Dentistry, completed a process within the College of Dentistry, including the College of Nursing, to modestly amend its Appointments, Promotions, and Tenure (AP&T) document, with the aim of clarifying the current relationship between the College of Dentistry and the College of Nursing.

The process of review within the colleges included:
- distributing the amended document to the entire faculty and posting at [http://nyu.edu/dental/intranet/apttrackchanges.pdf](http://nyu.edu/dental/intranet/apttrackchanges.pdf);
- the Colleges’ AP&T committee unanimously recommended the revisions as proposed;
- three open faculty meetings to discuss the changes were held on April 10, April 11 and April 16 at the College of Dentistry and on April 14 at the College of Nursing;
- the College of Dentistry Faculty Council held an online vote of all full-time faculty in the Colleges of Dentistry and Nursing regarding the proposed changes in which 52 votes were cast by tenure and tenure-track faculty and full-time non-tenure track faculty, all of whom approved the amendments.

**Recommendations**

**Substantive issues:**

**Note:**

The TFSC recommendation for the six occurrences listed in item 1 is given following the identification of all six occurrences.

1. **Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS**
   - **Research-Scholar Track**
     - **Assistant Professor (page 6)**
     - Second Paragraph
     - “Although the promotion and tenure process may be initiated at any time, a full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten year probationary period must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

     **Associate Professor (page 6)**
     - Second Paragraph continuing on page 7)
“Although the promotion and tenure process may be initiated at any time, a full-time Associate Professor in either of the colleges who is not granted tenure at the expiration of five years if initially appointed as an Associate Professor, or ten years in the combined ranks of Assistant and Associate Professor, must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Professor (page 7)
Fourth Paragraph
“Although the tenure process may be initiated at any time, a full-time Professor in either college who is not granted tenure at the expiration of three years’ service if initially appointed as Professor must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Clinical-Scholar Track
Assistant Professor (page 8)
Second Full Paragraph
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Professor (begins on page 8)
First Full Paragraph on page 9
“A full-time Professor in the College who is not granted tenure at the expiration of three years’ service if initially appointed as Professor must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.”

Recommendation:

Consider deleting all instances of “must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment,” and replacing it with the provision of Bylaw 86 (b) “… will be ineligible for further full-time appointment in the University”, as Bylaw 86 (b) does not include the phrase: “must be removed from the tenure track and except in exceptional
circumstances, will be ineligible for any future full-time appointment” and Bylaw 86 (b) does not allow for “exceptional circumstances”.

2. The following requirement for notification of intention not to reappoint appears in the NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS (which does not apply to either the College of Dentistry or the College of Nursing):

   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 [to reappoint]. Normally, a contract faculty member 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 contract faculty member 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;
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   • The grounds for grievance and appeal as laid out in this document (below, Section V.).

Likewise, a time limit for notification not to reappoint Non-Tenured Faculty Members on the Tenure-Track is specified in the Faculty Handbook:

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   2. Notice of intention not to reappoint a full-time assistant professor, associate professor, or professor shall be sent to the individual affected according to the following schedule:

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   c) In all other cases, not later than August 31, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.

Recommendation:

As Title II; XI; 2 provides time frames for notification of intention not to reappoint Non-Tenured Faculty Members on the Tenure Track, adherence to Title II; XI; 2 will ensure timely notification of intention not to reappoint Non-Tenured Faculty on the Tenure Track in the Colleges of Dentistry and Nursing.
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Minor editorial issues:

1. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   A. Tenure Track, Full-Time, Faculty Titles (page 5)
      Third Sentence:
      “Since the College of Nursing is not organized by departments, ...”

   Recommendation:

   Consider replacing “Since” with “As”, as “since” refers in its first definition to time.

2. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
      B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
      Clinical and Clinical Educator Tracks
         Clinical Assistant Professor
         First paragraph (page 10)
         Second sentence
         “Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.”

   Recommendation:

   It appears that this sentence should read:
   “Clinical Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.

3. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
      B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
      Clinical and Clinical Educator Tracks
         Clinical Associate Professor
First paragraph (page 10)
“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”

Recommendation:

It appears that this sentence should read:
“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as Clinical Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”

An alternate interpretation absent the word “Clinical” is that this Section of the document encompasses a change of track from a Tenure Track to a Non Tenure-Track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

4. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
Clinical and Clinical Educator Tracks
Clinical Professor
First paragraph (page 10)
“The rank of Clinical Professor may be granted to those members of the faculty who have served as Associate Professors of Clinical or its equivalent at NYU or other institutions and ...”

Recommendation:

The meaning of “Associate Professors of Clinical” is not clear -- “Clinical” is an adjective, a noun is required

Consider rephrasing, e.g.:

“The rank of Clinical Professor may be granted to those members of the faculty who have served in a position that includes in its title “Associate Professor of Clinical” or its equivalent at NYU or other institutions and ...”

5. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
Clinical and Clinical Educator Tracks
Clinical Professor
Second full paragraph (page 11)
“Appointment as Professor carries with it the possibility, but no presumption, of annual reappointment.”

Recommendation:

It appears that this sentence should read:
“Appointment as Clinical Professor carries with it the possibility, but no presumption, of annual reappointment.”

An alternate interpretation absent the word “Clinical” is that this Section of the document encompasses a change of track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

6. Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS
   B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis
   B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor
   Research Track
      Research Assistant Professor
   First paragraph
   Second sentence (page 12)
   “Assistant Professors are expected to show promise of continuing, ...”

Recommendation:

It appears that this sentence should read:
“Research Assistant Professors are expected to show promise of continuing, ...”

7. Section VI. POLICIES OF ADMINISTRATION
   C. Charges to and Composition of the Appointment, Promotion and Tenure Committees
   C1. Charge to the AP&T Committees
   Third paragraph (page 15)
   “All votes by the college’s Committee, by the Nursing AP&T Committee, and by the full-time tenure and tenure track faculty of the College on these matters must be by closed ballot.”

The meaning of “college’s Committee” is unclear.

Recommendation:

Consider, for clarity, rephrasing to specify that all votes of the College of Dentistry AP&T Committee, the College of Nursing AP&T Committee, the combined Committee comprised of the College of Dentistry AP&T Committee and the College of Nursing AP&T Committee, and the full-time tenure and tenure track faculty of the Colleges of Dentistry and Nursing must be by a closed ballot.
8. **Section VI. POLICIES OF ADMINISTRATION**

   **C. Charges to and Composition of the Appointment, Promotion and Tenure Committees**

   **C2. Membership**

   *First paragraph (page 15)*

   “The Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing will appoint seven tenured faculty, including the Committee’s Chair, for three year terms.”

   It is unclear to which committee the Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing, will appoint members.

   It seems logical that the Dean of the College of Dentistry would appoint members of the Dentistry AP&T Committee. If this is not the meaning, then the meaning is obscure to the naïve reader, and further clarification is required.

   **Recommendation:**

   Consider, for clarity, rephrasing to specify to which committee the Dean of the College of Dentistry will appoint members.

   For clarity, consider adding an explicit definition of the composition of the “combined college’s AP&T Committee in C1, e.g. “The combined college's AP&T Committee will be comprised of the seven members of the College of Dentistry AP&T Committee and the five members of the College of Nursing AP&T Committee”, or whatever is the correct composition of the “combined college’s AP&T Committee”.

   In the last paragraph of C1, the correct terminology is “colleges’” if the intent is to refer to a committee that represents both Colleges.