MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF APRIL 13, 2017

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, April 13, 2017 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Amkpa, Cappell, Economides, Fenton, Figlewski, Garabedian, Hoffman, Iampolski, Jacobs, Lapiner, Ling, Logan, Merritt, Mincer, Parekh, Shapley, Smoke, Tranchina, Van Devanter, Watson, Weslake; Active Alternate Bello and Kallenbach; Alternate Senators Gunsalus, Regaignon (for Jamieson), Reiss (for Appiah), Selesnick (for Frankl), Tannenbaum, and Tenenbein.

APPROVAL OF THE MINUTES OF THE MEETING HELD MARCH 23, 2017

Upon a motion duly made and seconded, the minutes of the March 23, 2017 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: ALLEN Mincer

Visit by Outside Guest

Chairperson Mincer reported the Coordinator of the Faculty Senate at Chalmers University of Technology in Guttenberg, Sweden is visiting New York City in May and asked to attend a meeting of the Council. Mincer noted that President Hamilton will be attending the May meeting. The Council expressed their approval of her attendance at the May 4, 2017 meeting.

ELECTION BY SECRET BALLOT OF T-FSC VICE CHAIRPERSON AND T-FSC SECRETARY 2017-2018

Chairperson Mincer noted this is an uncontested election and the Council may choose to suspend the T-FSC Rules of Procedure to allow for a vote by acclamation rather than secret ballot.

Senator Cappell, on behalf of the Nominating Committee, announced the list of candidates for the positions of T-FSC Vice Chairperson and T-FSC Secretary 2017-2018. For the position of Vice Chairperson, the candidate includes Nick Economides of the Stern School of Business. For the position of Secretary, the candidate includes Robert Lapiner of the School of Professional Studies. He asked for additional nominations from the floor. No additional nominations were made.

The motion to suspend the rules of the Council to allow for vote by acclamation was approved by unanimous vote of the Council.

The election took place by acclamation. In academic year 2017-2018, Nick Economides will serve as Vice Chairperson and Robert Lapiner will serve as Secretary.
T-FSC COMMITTEE REPORTS

Administration & Technology: Committee Co-Chairs Carol Reiss & Arun Sundararajan

Social Media Policy

See attached Document B: Social Media Policy.

Alternate Senator Reiss reported on the review of the University Policies: Electronic Communications and Social Media Policy and Guidelines for Use of Social Media: University Guidelines for Use of Social Media, which the Committee presents for vote of the Council. She stated this effort began five years ago. The T-FSC approved this policy earlier, but due to further discussion and approvals by the other Councils, the policy has since been updated.

Reiss noted that one purpose of the policy is to educate students on the limits for behavior on social media. It is not intended to limit intellectual participation or any academic uses of social media. She noted most peer institutions have instituted similar policies. The NYU policy incorporates components of the Harvard guidelines.

A Senator expressed his concerns with the Social Media Policy, stating it applies to media communications outside NYU and to all employees, not just students. He noted this is not a traditional policy, which only includes use of NYU computers, etc. He noted that the policy restricts rights of free speech. He stated his willingness to accept the policy if under II. Misuses of Social Media, bullet point six, line 1 the phrase “offensive content, including” was deleted:

Publishing offensive content, including slurs, epithets, jokes, or images, that insults, mocks, degrades, threatens, or ridicules an individual or class of individuals based on membership or perceived membership in a Legally Protected Class that a reasonable person would consider creates an intimidating, hostile, or offensive learning, working, or living environment;

He argued the current language allows administrators the ability to define offensive content.

Reiss stated the policy does not abridge freedom of expression and referred to section I. General Principles of Electronic Communications, a. Freedom of Expression and the Academic Community.

It was noted these are two separate documents, 1) University Policies: Electronic Communications and Social Media Policy and 2) Guidelines for Use of Social Media: University Guidelines for Use of Social Media, which is specifically for students.

The Senator noted the latter does not state it is specifically for students and recommended this be made clear in the opening paragraph.

A Senator noted she does not understand the distinction between the two documents and what is legally binding. Second, she noted the policy does not include a statement regarding what is inappropriate activity. Third, she asked for clarification on the distinction between posting commentary on social media using a NYU account versus using a personal email account.

Reiss noted the policy is legally binding, while the guidelines are not legally binding.

Reiss clarified the policy and guidelines are not designed to impact life outside the university or rights to free speech.
A Senator suggested the Council recommend a role of arbitrator be created in issues of grievances. It was noted, in response, that this and any changes to grievance policy are outside the purview of these guidelines and policy.

A Senator asked for clarity on whether NYU is regulating behavior on private accounts or on NYU institutional accounts. Reiss clarified it refers to institutional accounts.

A Senator recommended the document be revised to make it clear it only applies to communications under a NYU account.

A Senator questioned the need to have such a policy. It was noted it would be useful for a member of the administration to provide background on the reasoning for creating these guidelines and policy.

Chairperson Mincer summarized the discussion in four main points of clarification: 1) whether this document refers to students only or in general, 2) NYU facilities versus general accounts, 3) publishing offensive content, and 4) the reasoning behind creating a policy and guidelines.

These concerns will be communicated to the Committee. It was suggested that Senators Economides and Jacobs be added to the Committee.

Personnel Policies & Tenure Modifications: Committee Co-Chairs Neville Kallenbach & Nancy Van Devanter

Review of Tandon School Guidelines for Continuing Contract Faculty

See attached Documents C and D: Tandon Guidelines Review.

Senator Van Devanter reported on the Committee’s review of the Tandon School of Engineering Guidelines for Continuing Contract Faculty Appointment, Reappointment, Promotion and Grievance Procedures, and Voting Rights.

She noted last year the T-FSC Committee and C-FSC Committee passed a few joint recommendations. She noted in this case the decision was to present separate recommendations, but include the C-FSC recommendations as an addendum, removing any the T-FSC Committee was not in support of.

A Senator asked about the make-up of the grievance committee. It was noted that continuing contract faculty serve on the Grievance Committee but would only be hearing cases involving continuing contract faculty.

A Senator asked for clarity on the presentation of the recommendations. Van Devanter explained the first document is the T-FSC Committee’s recommendation and the second document is the C-FSC Committee’s recommendations, supported by the T-FSC Committee.

It was suggested in the addendum to only list the recommendations and not include the comments of the C-FSC. The Committee agreed to remove the comments.

A Senator asked if emeritus faculty have votes in the Senate. It was confirmed that is the case. The Senator questioned whether this violated the Bylaws.

It was noted that each school has its own academic culture and Tandon therefore may determine who is eligible to participate in its governance processes. It was noted it states in the Faculty Handbook that no school can make a ruling that is not in conformity with the University Bylaws, which do explicitly state who can vote for the senate.

The Committee will clarify.
The recommendations were approved by vote of the Council.

**Governance: Committee Members Niyati Parekh & Bob Shapley**

**Resolution regarding Faculty Representation on the NYU Board of Trustees**

See attached Document E: Faculty Representation Resolution

The Governance Committee resolution was put forth by Committee Members Niyati Parekh and Bob Shapley as both co-chairs were absent. Senator Parekh read the resolution proposed by the Committee:

- Whereas NYU faculty members have a unique perspective on the administration and culture of our university; and
- Whereas the NYU Board has recently sought more contact with NYU faculty members;

Resolved that the T-FSC (Tenured and Tenure-Track Faculty Senators Council) proposes to the NYU Board of Trustees that the Board should add members of the NYU Faculty to the Board to take part in the Board’s deliberations and decisions. Furthermore, the T-FSC proposes that the faculty members of the Board should be elected by the NYU faculty.

Senator Shapley explained this is a direct result of the students’ presentation at the last Council meeting. He noted the Faculty of Arts and Science (FAS) Faculty Assembly sent a resolution last year to the Board of Trustees (BOT) through President Hamilton to seat faculty members on the Board of Trustees and the Academic Affairs Committee on the Board of Trustees. This was rejected by the President.

Shapley reported the FAS Faculty Assembly presented a 2012 AAUP report regarding membership by faculty on Boards of Trustees. As of 2012, about 29% of private universities had faculty members from that university on the Board of Trustees. About half of these representatives had voting rights. He noted the President discussed with the FAS Faculty Assembly his previous experience at Oxford and Yale regarding faculty involvement with the Board of Trustees. At Yale there are no faculty members on the Board of Trustees, however he felt that there was good communication between the Board of Trustees and the faculty. Shapley noted the Trustees have expressed interest in having faculty involvement with the Trustees, but so far, that faculty involvement includes occasional informal meetings or social events.

A Senator supported the idea of including more stakeholders, but asked how an elected faculty member would communicate a universal viewpoint and represent all the interests of the faculty.

Senators discussed the proposed number of faculty members on the BOT.

A Senator suggested proposing the T-FSC elect the representative.

Senators discussed having a more specific resolution rather than this general, broader resolution. A Senator suggested this is a way to start the conversation.

The Committee commented the resolution would need to be voted on today if the Council would like it to accompany the students’ resolution at the next University Senate meeting.

Senators discussed amendments to the language. It was suggested to amend the first section as follows:

- WHEREAS faculty members have a distinctive perspective on the research and educational mission, and on the culture and administration of our university; and

It was also suggested to add the word “commendably” in the second section as follows:
WHEREAS, commendably, the NYU Board has been seeking more engagement with NYU faculty members;

A Senator asked if language on voting should be added to the resolution.

It was noted this is a general statement and specific details could be handled after the resolution.

The resolution, with discussed amendments and language edits to be made by the T-FSC Governance Committee, was approved by vote of the Council.

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
Dear Colleagues:

I am honored to be a nominee for the position of T-FSC Vice Chair.

I am a professor of economics at the Stern School of Business specializing in high technology industries, antitrust and public policy issues.

I have served at the T-FSC on and off for over 15 years. I have been head of the Finance Committee for a number of years, and I have also served in the Tenure Modification Committee, the Housing Committee, and the University Judicial Board. Earlier, I served at the Stern Faculty Council.

The “shared governance” regime at NYU has afforded a special role to tenured faculty to shape the university’s direction. Sometimes we (T-FSC) were able to play our role effectively, other times we failed. In my opinion, the key factor of success was how effective and efficient our leadership was in the Executive Committee and the other T-FSC committees. Time at the full Council meetings is very limited and should be used wisely to deal with issues that cannot be resolved in committees.

NYU, very heavily tuition-based, faces significant financial challenges in the next five years. In the last couple of years, it has become clear that future tuition increases will be limited. Nevertheless, NYU has embarked on an ambitious investment plan that will require extensive borrowing in an era of upward-tending interest rates. Very tight supervision of finances and increased transparency will be necessary. In this environment, it will be crucial to preserve and enhance the key role of NYU tenured and tenure track faculty in cutting edge research and teaching as a top priority, and reduce other spending. I hope that the T-FSC will emphasize this, whether I am elected or not.

Best regards,

Nick

Nicholas Economides
Stern School of Business
www.stern.nyu.edu/networks/
Candidate Statement

Robert Lapiner

I would be honored to serve as Secretary of the Tenure and Tenure-track Faculty Senators Council, and ask for your consideration and support.

The notion of institutional citizenship has always been a governing concept for me, to act and think about whatever one does as aligning with and, one hopes, advancing the common good, as well as one’s own work, home department or school. My belief in this concept has also fostered a capacity for living vicariously and empathically, to be able to take pride in the achievements and identify with the struggles (and the striving) of others.

With regard to the role of T-FSC, my long experience in the University of California system might be especially germane. That is where I gained understanding of the central importance of meaningful shared governance as THE cornerstone of sustaining excellence in teaching and research and institutional social responsibility, whether in propitious times or when universities are roiled by unanticipated economic and/or political instability. Indeed it is precisely when things get difficult that protecting, strengthening, and paying heed to the voice of the faculty becomes ever more vital.

Also relevant is my experience as a faculty member and as an administrator at NYU and at UCLA, having learned to navigate the interface between the two cultures of Administration and Faculty (generally to beneficial effect). Those skills were formed in an early parenthetical but substantive career in international higher education--serving university member institutions, establishing and supporting academic consortia, and negotiating with universities and higher education authorities in more than a dozen countries—that gave me practice in fostering cooperation and reconciling sometimes congruent, sometimes conflicting academic and intra- and inter-institutional goals.

Such are the skills-sets, temperament, and perspective that I would bring if elected Secretary of the T-FSC, to provide collegial support to our Chairperson and Vice Chairperson in service to the role and mission of our Council and to the T-faculty as a whole.
New York University
University Policies

Title: Electronic Communications and Social Media Policy

Effective Date: ____________, 2017

Supersedes: Not Applicable

Issuing Authority: Senior Vice President for University Relations and Public Affairs

Responsible Officer: Vice President for Public Affairs

Policy

New York University (the “University”), including the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies (together, “NYU”), supports and encourages open discourse by members of the University Community through the use of Electronic Communications, which encompasses Social Media, while at the same time seeking to address the concerns associated with such use.

Purpose of this Policy

This policy:

- Promotes awareness within the University Community regarding the benefits and risks (including privacy-related risks) of Electronic Communications;
- Helps create a safe learning and working environment at NYU;
- Helps to ensure the confidentiality of personally identified or personally identifiable information in accordance with applicable laws, regulations, and NYU policies;
- Strives to protect NYU Marks (i.e., NYU’s name, logos, trademarks, service marks, or graphics) and NYU’s reputation;
- Sets certain rules for the use of Electronic Communications for NYU purposes; and
- Reinforces that NYU policies apply to Electronic Communications, as they do to any other types of communications and media, and that such other policies must be consistent with this policy.
Scope of this Policy

This policy applies to all members of the University Community with respect to their utilization of Electronic Communications. Other pertinent NYU policies also apply to Electronic Communications, some of which are referenced in the Related Policies section below. NYU schools, colleges, institutes, other units, global sites, and University affiliates may supplement this policy, provided that such supplementary policies are consistent with this policy in accordance with the NYU Policy on Developing University Policies.

I. General Principles of Electronic Communications

a. Freedom of Expression and the Academic Community

NYU is committed to the principle of academic freedom, as described more fully in the Statement in Regard to Academic Freedom and Tenure in the Faculty Handbook and the University Policy on Student Conduct. Nothing in this policy is intended to abridge or interfere with those rights and responsibilities. This policy is intended to support and encourage NYU’s academic mission and specifically NYU’s commitment to a research, teaching, and learning environment that is open, robust, and diverse. In addition, nothing in this policy is intended to abridge or interfere with the right of NYU employees to speak about the terms and conditions of their employment pursuant to Section 7 of the National Labor Relations Act.

b. Criminal and Civil Liability with Respect to Electronic Communications

Members of the University Community are always subject to the jurisdiction of applicable local and national governments when they are using Electronic Communications. In addition to the consequences addressed in the Enforcement section below, violations of applicable laws through the use of Electronic Communications can lead to criminal and/or civil sanctions, as well as to private law suits by persons claiming injury. Members of the University Community also should be mindful of local customs, norms, and practices with respect to Electronic Communications.

c. Limited Expectations of Anonymity and Privacy

Members of the University Community should not assume that Electronic Communications, including Social Media, are anonymous or private. When composing an Electronic Communication, the author may want to assess the risk and the consequences of communications becoming public. Electronic Communications often are forwarded, posted, or otherwise distributed without the approval or knowledge of the author. There is rarely any guarantee of anonymity in visiting or searching websites or Social Media sites. Members of the University Community should carefully review “terms of use” and privacy settings, and are encouraged to monitor these terms of use and privacy settings on Social Media accounts, and privacy policies on Social Media sites, to
maximize their privacy to the extent desired and feasible. Electronic Communications, including emails, also can be subject to disclosure, for example in litigation, to regulatory bodies or other persons in connection with NYU business operations, and in response to subpoena.

Pressing the “delete” key does not mean that an Electronic Communication is unrecoverable even where all recipients have “deleted” it. In addition, Internet Protocol addresses (known as IP addresses) normally can be traced to their source (e.g., to NYU) and often to a specific computing device.

NYU reserves the right to monitor and record activity on NYU devices, networks, and systems related to Electronic Communications in accordance with the protections for privacy of such communications as set forth in relevant NYU policies and procedures (including Responsible Use of NYU Computers and Data Policy, http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/responsible-use-of-nyu-computers-and-data-policy-on.html), and in accordance with applicable laws.

d. Appropriate Uses of Electronic Communications

Electronic Communications must be used in accordance with applicable laws and NYU policies, including the Code of Ethical Conduct. Abuses and misuses of Social Media can result in the violation of many existing university policies, including those listed in the Related Policies section of this policy. NYU has published Guidelines (link) for use of Social Media that are intended to guide members of the University Community in a manner that complies with obligations under all applicable university policies.

e. NYU Name, Marks, and Logos

Use of NYU Marks must (1) be for official NYU business or otherwise have been approved in writing by NYU’s Office of Digital Communications (“DigiComm”), digital.communications@nyu.edu, and (2) follow all NYU rules and policies; provided, however, that members of the University Community may reference their NYU affiliation for identification purposes (e.g., an NYU faculty member or an NYU student), but where it is not clear, they must make it clear that they are acting in a personal capacity and not for or under the auspices of NYU. Members of the University Community do not have the authority to alter or create their own versions of NYU Marks for use in Electronic Communications.

II. Institutional Social Media Accounts

a. Establishment

Members of the University Community must notify DigiComm, digital.communications@nyu.edu, prior to activating an Institutional Social Media
Account. Administrators of existing Institutional Social Media Accounts activated prior to the Effective Date of this policy must promptly notify DigiComm if they have not previously done so.

b. Access, Maintenance, and Ownership

For each Institutional Social Media Account, where allowed by law, at all times at least two NYU employees must serve as the Administrators of that Account who have appropriate account access credentials (including usernames, passwords, and answers to security questions) and who have been provided or expressly delegated the authority to administer the account (including editing account settings and content). The personal information of a member of the University Community should not be incorporated into the account access credentials of an Institutional Social Media Account. Anyone who administers such accounts should maintain passwords and all other relevant information necessary to access such accounts in a safe and secure location.

NYU may have an ownership or other interest in the information, files, or data contained in an Institutional Social Media Account; if so, NYU may have the right to control the distribution or publication of that information, separate from any right NYU may have to access the account as described above.

NYU reserves the right to take steps to “freeze” any Institutional Social Media Account that violates this policy or other NYU policies.

c. Guidelines for Administrators

Administrators of Institutional Social Media Accounts should monitor and/or moderate postings on a frequent basis to ensure compliance with this policy and other applicable NYU policies.

d. Public Affairs

As with any form of communication that may appear to represent NYU, members of the University Community should exercise good judgment in determining whether an Electronic Communication should be approved in writing by NYU’s Office of Public Affairs prior to transmission through an Institutional Social Media Account.

NYU employees must notify NYU’s Office of Public Affairs if contacted by a media representative about an Institutional Social Media Account, and employees must not respond to a request for information by such a representative without first consulting with NYU’s Office of Public Affairs.

e. Accessibility
Members of the University Community establishing Institutional Social Media Accounts should work closely with DigiComm to ensure that any such site complies with NYU’s expectations and obligations with regard to the accessibility of the site.

III. Use of Social Media in an Employment Context

a. Screening Candidates for Employment

The Equal Employment Opportunity Commission (“the EEOC”) has cautioned that personal information, such as that gleaned from Social Media postings, may not be used to make employment decisions on prohibited bases, such as race, gender, sexual orientation, national origin, color, religion, age, disability, or genetic information. To ensure compliance with legal requirements, members of the University Community intending to use Social Media to screen employee candidates should consult with their Human Resources representatives for guidance.

b. Reviewing Employee Performance

Members of the University Community in their capacity as supervisors should not use Social Media to comment on or display information concerning the work performance of their subordinates. Faculty who are asked to evaluate other colleagues or subordinates should not use Social Media to comment or display information concerning their performance. Formal performance reviews and/or recommendations related to the work performance of subordinates should not be made using Social Media without the explicit consent of such employee. Before supervisors make any informal communications about the job performance of their subordinates using Social Media, supervisors must exercise judgment and discretion and consider whether there is a need to obtain the approval of any colleagues or supervisors.

c. Authority Relationships and Social Media

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent, or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.

Supervisors are expected to exercise good judgment and caution when inviting subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.
d. Protecting Confidential Information

In using Social Media and other Electronic Communications, members of the University Community must ensure the confidentiality of personally identified and personally identifiable information and other NYU sensitive information in accordance with applicable laws and NYU policies, including, but not limited to, those related to HIPAA, FERPA, and personal identification numbers (see, e.g., the Related Policies section below). Before uploading or sending student, patient, or other NYU information through Social Media, members of the University Community must ensure that such actions are in compliance with applicable laws and NYU policies.

e. Outside Service Providers

Members of the University Community should exercise caution and act within their authority when entering into contractual agreements (including click-through agreements) on behalf of NYU for services related to Institutional Social Media Accounts or distribution of University-generated content over Electronic Communications (e.g., through AddThis or ShareThis). Members of the University Community should pay particularly close attention to the privacy policies of potential service providers. See also (link to guidelines on best practices).

f. Endorsements and Testimonials

When making an endorsement or a testimonial in one’s NYU capacity, members of the University Community must comply with the Federal Trade Commission’s Guides Concerning the Use of Endorsements and Testimonials in Advertising.

g. Social Media and Teaching

Where Social Media accounts are required by a course, it should be expressly identified in the course description and should account for any cultural or geographic restrictions or limitations on the use of any such Social Media service. Further, it is recommended that institutional Social Media accounts created by faculty to support courses of instruction include a clear statement on expectations for use of such Social Media by instructors and students. For example, if desired by a faculty member, the statement might provide that students are prohibited from using the account for any purpose other than their activities for the course, and that no content from the account may be copied or distributed by any student for any other purpose. It also is recommended that the statement note that all Social Media should be used in an appropriate manner and include a link to this policy and to the New York University Code of Ethical Conduct.
h. Disclaimers

If others could reasonably be confused as to whether a publicly-available Electronic Communication by an employee or member of the University Community represents the position of NYU when in actuality the Electronic Communication does not do so, the Electronic Communication should be accompanied by a disclaimer such as the following: “The views expressed herein are mine alone and do not represent the views or opinions of New York University.”

IV. Enforcement

Employees, including faculty, who violate this policy may be subject to disciplinary action up to and including termination in accordance with applicable NYU policies and, where applicable, the Faculty Handbook. Students who violate this policy may be subject to disciplinary action up to and including expulsion, in accordance with the disciplinary rules and procedures of NYU and the relevant school, college, and/or other unit. Other members of the University Community who violate this policy, including but not limited to consultants, vendors and contractors, may be subject to termination of their relationship with NYU.

Policy Definitions

“Electronic Communications” means any electronic transfer of information between one or more electronic devices and/or electronic networks/systems relating to such devices. Electronic Communications encompass Social Media.

“Institutional Social Media Account” means a Social Media site or account appearing to represent or be associated with NYU regardless of whether the site or account is hosted by NYU (e.g., NYU Wikis or NYU Blogs) or a third party, including any site or account using an NYU Mark; provided, however, that where the only association with NYU is that members of the University Community have referenced their NYU affiliation for identification purposes, the site or account is not an Institutional Social Media Account so long as it is clear that the members of the NYU Community are acting in a personal (and not official NYU) capacity.

“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.

“NYU” means the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies.

“NYU Marks” means NYU’s name, logos, trademarks, service marks, or graphics.
“Social Media” means Electronic Communications that provide the user the ability to distribute content quickly to a broad audience, including but not limited to social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram, MySpace, YouTube, Google+, Snapchat, Meetup, tumblr, Flickr, SlideShare, Pinterest), livestreaming sites (e.g., Facebook Live) blogging and microblogging, wikis, website creation, website postings and comments, mass text and multimedia messaging, and mass emailing, and includes future forms of such communication.

“University Community” means the following persons associated with the University and its domestic and international subsidiaries and affiliated entities: (a) the Board of Trustees, (b) all full-time and part-time employees, including but not limited to faculty members, instructors and researchers, (c) volunteers, (d) fellows, trainees and post-doctoral appointees, (e) students, and (f) others who are performing activities or providing services, including but not limited to consultants, vendors and contractors.

Related Policies

General Conduct
- Affirmative Action/Equal Opportunity Policy
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees
- Code of Ethical Conduct
- Compliance Complaint Policy
- Developing University Policies
- Faculty Handbook
- Interaction with Government Officials
- University Policy on Student Conduct
- Sexual Misconduct, Relationship Violence, and Stalking Policy

Information Privacy
- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA) Policies
- Policy on Personal Identification Numbers

Information Technology
- Data Classification at NYU
- Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials
- Policy on Responsible Use of NYU Computers and Data
- World Wide Web Policies and Procedures
New York University
University Guidelines for Use of Social Media

Title: University Guidelines for Use of Social Media

Effective Date: ____________, 2017

Supersedes: Not Applicable

Issuing Authority: Senior Vice President for University Relations and Public Affairs

Responsible Officer: Vice President for Public Affairs

Background

New York University (the “University”), including the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Policies (together, “NYU”), supports and encourages open discourse by members of the University Community through the use of Social Media, while at the same time seeking to address the concerns associated with such use. NYU University recognizes the importance and benefits of communicating through Social Media. Social Media are powerful vehicles through which NYU may disseminate relevant news. At the same time, Social Media raises many challenges in defining appropriate methods of communication that are consistent with the overall responsibilities members of the University Community have to each other and beyond. Navigating the world of Social Media also can be confusing with constant changes in platforms, technologies, and communities. This can pose a challenge for traditionally organized departments within higher education.

Purpose of these Guidelines

These guidelines are intended to provide tools to communicate effectively through Social Media. However, existing legal responsibilities and University policies remain in place when NYU employees use Social Media, and these guidelines do not supplant or restrict any policy in force.

These Guidelines:

- Help implement NYU’s Electronic Communications and Social Media Policy
• Promote awareness within the University Community regarding the benefits and risks (including privacy-related risks) of Social Media;
• Help create a safe learning and working environment at NYU;
• Reinforce that use of Social Media, like any other types of communications and media, is governed by a number of NYU policies and procedures.

**Scope of these Guidelines**

These Guidelines apply to all members of the University Community with respect to their utilization of Social Media. Other pertinent NYU policies also apply to Social Media, some of which are referenced in the Associated Policies and Documents section below. NYU schools, colleges, institutes, other units, University global sites, and University affiliates may supplement these Guidelines, provided that such supplementary policies are consistent with the Electronic Communications and Social Media Policy and are in accordance with the NYU Policy on Developing University Policies.

I. **Appropriate Uses of Social Media**

Social Media must be used in accordance with applicable laws and NYU policies, including NYU’s Code of Ethical Conduct. NYU encourages members of the University Community to use Social Media consistent with the following best practices and guidelines:

• Respect Others. Social Media provides a place to foster community and conversation. Adding value is good when on topic and in moderation. Positive and negative content are legitimate parts of any conversation. The manner in which we behave and treat each other through Social Media should be no different than through email, public speech, classroom lecture, or conversation with friends or peers. Anything considered inappropriate offline is likely also inappropriate online.

• Respect the Property and Rights of Others. Follow copyright, fair use and intellectual property rights. [link to NYU’s Fair Use policy] In some cases, content posted to a Social Media site may become the property of (or licensed to) the platform or app. Understand the full import of a platform’s terms of use.

• Be accurate. Take the time and effort to get the facts straight before posting them on Social Media sites. When possible, link back to an original source. If you make an error, correct it quickly and visibly.

• Be Smart. Users of Social Media also should be aware of the “terms of use” that may be imposed on users by certain apps or vendors involved in specific Social Media platforms, including Social Media accounts. In particular, members of the University Community are urged to carefully review the “terms and conditions” and the importance such terms may have for rights of privacy, copyright and other personal rights or information you may have or control (e.g., geolocation information, personal contacts, financial and economic information).
• Be Authentic. Be honest about your identity (e.g., with avatars, screen names) and do not misrepresent another person. Consider that you are in an academic environment and the implications of utilizing an NYU-provided platform that automatically identifies you in your role at NYU. If you identify yourself as an NYU faculty or staff member in a personal post, also make clear that your views are your own that you are not formally representing NYU. A common practice among individuals who blog or comment on a controversial topic is to include a disclaimer on their site.

• Respect Confidential Information. Be careful not to reveal confidential or proprietary information through Social Media about NYU students, employees or alumni. Adhere to all applicable University, federal and National Collegiate Athletic Association (NCAA) privacy and confidentiality policies. All employees of NYU are subject to the Family Education Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA), and other laws mandating the nondisclosure of certain personally identified or personally identifiable information.

II. Misuses of Social Media

Misuses of Social Media may subject members of the University Community to disciplinary action pursuant to relevant NYU policies. The list below, which is not exhaustive, provides examples of misuses of Social Media:

• Engaging in behaviors that by virtue of their intensity and/or repetitiveness compromise the health, safety or well-being of an individual University Community member or of the general University Community including, but not limited to:
  i. Threatening, tormenting, mocking, defaming, bullying, intimidating, or performing similar acts that a reasonable person would consider objectionable by the severity, pervasiveness, and/or persistence; or
  ii. Exploiting a person's known psychological or physical vulnerabilities or impairments.

• Unreasonably and substantially interfering with a person's academic or work performance, opportunities or benefits;

• Engaging in a course of conduct, such as publishing or transmitting content, that reasonably causes or could be expected to reasonably cause a person to fear bodily injury or experience substantial emotional distress, including stalking (via Social Media or other electronic communications) another person;

• Unreasonably disrupting NYU operations or creating a foreseeable risk of doing so (including, for example, organizing a demonstration that seeks to materially impair entry to or exit from University premises or events; or attempting to disable or interfere with, through malware or otherwise, University electronic resources or operations);
• Disseminating, streaming, or posting pictures or video of another person in a state of undress or of a sexual nature without the person’s affirmative or explicit consent;
• Publishing offensive content, including slurs, epithets, jokes, or images, that insults, mocks, degrades, threatens, or ridicules an individual or class of individuals based on membership or perceived membership in a Legally Protected Class that a reasonable person would consider creates an intimidating, hostile, or offensive learning, working, or living environment;
• Illegally discriminating on the basis of a Legally Protected Class, or perceived membership in such classification;
• Inciting or attempting to incite violence;
• Jeopardizing or potentially jeopardizing the health or safety of a child (including viewing, downloading, or transmitting child pornography);
• Violating the intellectual property or related rights of NYU or others (which may include, for example, plagiarism, failure to attribute properly, or failure to obtain necessary consent);
• Disclosing without authorization or unlawfully the confidential or proprietary information of NYU or members of the University Community (including, but not limited to, patient and student information protected under the HIPAA Privacy Rule or FERPA);
• Impersonating, including but not limited to misrepresenting the University Community member's capacity or authority;
• Sending unauthorized bulk email (spam) or otherwise transmitting mass messages in violation of applicable NYU policies (including Appropriate Use of Email at New York University Policy, http://www.nyu.edu/its/policies/email.html), unless authorized by NYU;
• Engaging in electioneering prohibited by applicable law or that could jeopardize NYU's tax exemptions; and
• Engaging in any other conduct prohibited by local, state, federal, or other applicable law or NYU policy.

Actions described in the above list also may violate NYU's Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students, Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees, Sexual Misconduct, Relationship Violence, and Stalking Policy, or other NYU policies.

**III. Authority Relationships and Social Media**

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of
such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.

Supervisors are expected to exercise good judgment and caution when inviting subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.

IV. Outside Service Providers

Members of the University Community should exercise caution and act within their authority when entering into contractual agreements (including click-through agreements) on behalf of NYU for services related to Institutional Social Media Accounts or distribution of University-generated content over Social Media (e.g., through AddThis or ShareThis). Members of the University Community are urged to carefully review the “terms and conditions” and the importance such terms may have for rights of privacy, copyright and other personal rights or information you may have or control (e.g., geolocation information, personal contacts, financial and economic information)(link to Guidelines – to be created)

V. Social Media and Teaching

It is recommended that institutional Social Media accounts created by faculty to support courses of instruction include a clear statement on expectations for use of such Social Media by instructors and students. For example, if desired by a faculty member, the statement might provide that students are prohibited from using the account for any purpose other than their activities for the course and that no content from the account may be copied or distributed by any student for any other purpose. It also is recommended that the statement note that all Social Media should be used in an appropriate manner and include a link to the Electronic Communications and Social Media Policy, these Guidelines, and the New York University Code of Ethical Conduct.

Guideline Definitions

“Electronic Communications” means any electronic transfer of information between one or more electronic devices and/or electronic networks/systems relating to such devices. Electronic Communications encompass Social Media.

“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.

“NYU” means the schools, colleges, institutes, and other administrative units of NYU, NYU’s global sites, and all University affiliates, as each term is defined in NYU’s Policy on Developing University Policies.
“Social Media” means Electronic Communications that provide the user the ability to distribute content quickly to a broad audience, including but not limited to social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram, MySpace, YouTube, , Google+, Snapchat, Meetup, tumblr, Flickr, SlideShare, Pinterest), live streaming sites (e.g., Facebook Live), blogging and microblogging, wikis, website creation, website postings and comments, mass text and multimedia messaging, and mass emailing, and includes future forms of such communication.

“University Community” means the following persons associated with the University and its domestic and international subsidiaries and affiliated entities: (a) the Board of Trustees, (b) all full-time and part-time employees, including but not limited to faculty members, instructors and researchers, (c) volunteers, (d) fellows, trainees and post-doctoral appointees, (e) students, and (t) others who are performing activities or providing services, including but not limited to consultants, vendors and contractors.

Related Policies and Documents

General Conduct
- Affirmative Action/Equal Opportunity Policy
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students
- Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees
- Code of Ethical Conduct
- Compliance Complaint Policy
- Faculty Handbook
- Interaction with Government Officials
- University Student Non-Academic Misconduct Policy
- Sexual Misconduct, Relationship Violence, and Stalking Policy

Information Privacy
- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA) Policies
- Policy on Personal Identification Numbers

Information Technology
- Data Classification at NYU
- Statement of Policy and Guidelines on Educational and Research Uses of Copyrighted Materials
- Policy on Responsible Use of NYU Computers and Data
- World Wide Web Policies and Procedures

1 Note: to be implemented in Fall 2017
TANDON SCHOOL OF ENGINEERING GUIDELINES FOR CONTINUING CONTRACT FACULTY: APPOINTMENT, REAPPOINTMENT PROMOTION AND GRIEVANCE PROCEDURES, AND VOTING RIGHTS

December 7, 2016

I. INTRODUCTION

This document identifies the policies and procedures governing the appointment, review, reappointment, promotion and grievance of Continuing Contract Faculty (CCF). As with all NYU policies, these guidelines are subject to change; it is the policies in effect at the time of the action that apply. This policy implements the University Guidelines for Full-Time Continuing Contract Faculty Appointments, Grievance Procedures, and Disciplinary Regulations and the general principles set forth therein. If any part of this Policy is found to be inconsistent with NYU policies, the NYU policies then in effect will take precedence.

As articulated in the University Guidelines for Full Time Continuing Contract 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.”

1.Recommendation: Suggest deleting this quote from the University Guidelines for Continuing Contract Faculty as it is not necessary.

II. SCOPE

Continuing Contract Faculty titles include:

• Industry Assistant, Associate, and Full Professors: A full-time faculty member with relevant professional or industry experience.

• Lecturer, Senior Lecturer: A full-time faculty member whose primary responsibility is teaching.

Continuing Contract Faculty may also participate in University service and program development. These guidelines apply to Continuing Contract Faculty as they are defined in NYU Bylaw 87.

2.Recommendation: Suggest adding some additional description to clarify differences between Industry Professors and Lecturers.

1 Criteria for initial appointment and promotion to various ranks are included in Appendix A
3. **Recommendation:** Suggest adding more detail about academic responsibilities for different titles ie teaching load, scholarship expectations, student advising, service.

### III. APPOINTMENT AND REAPPOINTMENT

All initial appointments and reappointments of Continuing Contract Faculty are made by the Dean following the recommendation of the Department Chair and the Department appointment or reappointment committee. The initial appointment letter and any reappointment letters from the Dean shall define the initial salary and term of appointment, as well as the expected duties of the appointee. While initial appointments may be limited to one or two years, reappointment terms of three years for Assistant and Associate Industry Professors and Lecturers, and five years for Industry Professors and Senior Lecturers may be appropriate.

4. **Recommendation:** Add more description of the hiring process, who is involved, role of contract faculty, involvement of CCF in departmental and school committees, whether voted on or appointed in accordance with school’s governance bylaws.

5. **Recommendation:** Change the term “appointment letter” to “contract”.

Continuing Contract Faculty should be provided with advance notice of reappointment decisions as follows:

- An individual with an existing contract of one-year duration will be notified of the reappointment decision in the first calendar month of the final semester of the appointment. The term of reappointment will commence immediately upon the expiration of the existing term. If a reappointment is not offered, the individual’s existing contract will terminate on its expiration date.

- An individual with an existing contract of more than one year will be notified of the reappointment decision one year before the expiration of the appointment. The term of reappointment will commence immediately upon the expiration of the existing term. If reappointment is not offered, the individual’s existing contract will terminate on its expiration date.

### IV. REAPPOINTMENT REVIEW

**Statement of principles.** Each reappointment beyond the third year of continuous service requires a formal review. The process for this review shall be conducive to ensuring that each candidate for reappointment (“Candidate”) exhibits the highest level of performance and achievement in his or her assignments, whether in teaching, research, scholarship or in other duties. Review for reappointment shall consider curricular and structural changes in academic programs.

**Review process.** This process distinguishes between reappointments up to three years of continuous service and beyond three years of continuous service.

**A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment.**
The review shall begin in the first semester of the penultimate year of the current appointment and shall proceed as follows:

- A reappointment committee will be formed in each department to which a Candidate is assigned, which committee is advisory to the Department Chair(s) and Dean. The committee shall include two or more members, including at least one tenured faculty member and at least one Industry Professor or Senior Lecturer. The Department Chair of the department in which the Candidate’s primary appointment resides shall appoint one member of the committee as chair.

6. Recommendation: Clarify review process for faculty assigned to multiple departments.
- The reappointment committee will review the dossier from the Candidate and prepare a written recommendation as to reappointment.
- The review should assess:
  - Teaching: Whether the Candidate demonstrates high quality in all aspects of teaching (e.g., syllabus design; current knowledge of subject; assignments and examinations; classroom teaching; supervision of theses and independent studies; mentoring and guidance of students; and encouragement of innovation, invention and entrepreneurship.) Excellence in teaching is the primary review criteria for Continuing Contract Faculty whose primary duties are teaching.
  - Service: Whether the Candidate demonstrates responsibility in conducting department, school, and university service.
  - Research and Scholarship (where appropriate): Whether the Candidate demonstrates innovation, quality, and impact in research and scholarship.
  - Creative and Performance Arts (where appropriate): Whether the Candidate demonstrates innovation and impact in conducting creative and performance arts.

Criteria for the review should reflect specific job duties as outlined in the Candidate’s letter of appointment. The Department Chair should also consider the continued relevance of the appointment in terms of curricular and other needs, in recommending reappointments.


Materials for the reappointment review. The Candidate should prepare a dossier that includes:
- A current CV;
- Copies of annual Faculty Activity Reports for the current appointment term; All student course evaluations for the current appointment term; and Course syllabi for courses taught for the current appointment term.

Process for department evaluation. The reappointment committee will prepare a written report for the voting faculty in the department, to be distributed to the voting faculty in advance of discussion and voting.

8. Recommendation: Define voting faculty
Voting faculty in the departments include tenured faculty, Industry Professors, Industry Associate Professors and Senior Lecturers. Industry Professors and Senior Lecturers vote on reappointments for Industry Assistant Professors, Industry Associate Professors, and Lecturer reappointments only. Industry Associate Professors vote on reappointments for Industry Assistant Professors and Lecturers only.

9. Recommendation: Provide more detail on appointment voting process. Is there a committee that approves appointments? Is the committee appointed or elected? Who can vote on which appointments?

The formal vote of the voting faculty must be by secret ballot. The Department Chair will complete and submit the Continuing Contract Faculty Review and Reappointment Recommendation Form and the faculty vote to the Dean’s office, after receiving the report from the reappointment committee and the vote from voting faculty. The Department Chair will also submit his or her own recommendation for or against reappointment. The recommendations of the review committee, the voting faculty and the Department Chair are all advisory to the Dean.

Once the reappointment decision has been made by the Dean, the Department Chair will provide a copy of page 1 of the Continuing Contract Faculty Review and Reappointment Recommendation Form (see Appendix B) to the Candidate while maintaining the confidentiality of the process. The Candidate will be notified in writing of the Dean’s decision.

B. Contract Not Continuing Beyond the Third Year of Continuous Service from Initial Appointment.

Continuing Contract Faculty appointed for a second or third year of continuous service pursuant to a one or two-year contract shall not be required to undergo the review process prescribed for Continuing Contract Faculty with contracts continuing beyond the third year of continuous service.

10. Recommendation: Please clarify preceding paragraph

V. PROMOTION

Statement of principles. Promotion requires a formal review process. The process shall be conducive to ensuring that candidates for promotion exhibit the highest level of performance and achievement, whether in teaching, research, scholarship or in other duties. Review for promotion shall consider curricular and structural changes in academic programs.

Review process. Continuing Contract Faculty who wish to be considered for promotion are encouraged to discuss the process with their respective Department Chairs. Candidates seeking reappointment and promotion may be reappointed without promotion.

The Department Chair will form a promotion committee, which may be the same as the reappointment committee and will be comprised of at least one tenured faculty member and at least one Continuing Contract Faculty member at or above the rank to which the candidate for promotion has applied.
The primary criterion for promotion is excellence in teaching, except in cases where the primary job includes other duties. The review may also consider service, research and scholarship (where appropriate), and creative and performance arts (where appropriate). These criteria are described in Appendix A.

**Materials for the promotion review.** The Candidate should prepare a dossier that includes:
- CV;
- Statement of teaching and service (and research/creative activities and creative/performing arts, where appropriate);
- List of all courses taught since the previous promotion or initial appointment;
- Copies of all student course evaluations since the prior promotion or initial appointment;
- Course syllabi for each course taught since the prior promotion or initial appointment; and
- Written evaluation of classroom teaching observed by voting faculty.

**Process for department evaluation.** The promotion committee will review these materials and prepare a written report for the voting faculty to be distributed to the voting faculty at least one week prior to voting.

Voting faculty in the departments include tenured faculty, Industry Professors, Industry Associate Professors and Senior Lecturers; except Industry Associate Professors do not vote on promotion to Industry Professor or Lecturer.

**11. Recommendation:** Please clarify role of Assistant Industry Professors. Are the part of faculty governance?

The formal vote of the voting faculty must be by secret ballot. The report of the promotion committee and the vote by voting faculty are advisory to the Department Chair and the Dean. The Chair will forward the report of the promotion committee and closed vote to the Dean along with his or her own recommendation. The recommendations of the review committee, the voting faculty and the Department Chair are all advisory to the Dean. The Dean will make a decision on the promotion case and notify the Department Chair.

Continuing Contract Faculty members will be notified in writing of the outcome of the Dean’s decision.

**VI. GRIEVANCE**

This document provides the following:

- The procedures to be followed when a faculty member wishes to resolve a grievance under the bylaws of New York University (“NYU”) and Tandon School of Engineering; and
- The membership and role of the School of Engineering Faculty Grievance Committee.

This document supplements and is meant to be compatible with the Faculty Grievance Procedures detailed in the NYU Faculty Handbook.
A.  INTRODUCTION

According to the NYU Faculty Handbook, faculty grievances are classified into two main types:

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

B.  BASIS FOR GRIEVANCE

With respect to grievances related to reappointment and promotion, a grievance must allege:

(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 faculty member in question, in which case the burden of proof falls to the grievant.

With respect to grievances related to other matters, a grievance must allege:

(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 faculty member in question, in which case the burden of proof falls to the grievant.

C.  CONTINUING CONTRACT FACULTY WHO ARE ELIGIBLE TO GRIEVE

Continuing Contract Faculty may grieve a decision as to reappointment only for terms extending beyond three years of continuous service from initial appointment.

Continuing Contract Faculty may not grieve a reappointment decision for any term that does not extend beyond three years of continuous service from initial appointment.

12. Recommendation: Please clarify preceding statement. Does this mean a reappointment for 1 or 2 years. What is the basis for not allowing a grievance?

Continuing Contract Faculty may grieve a decision as to promotion after three years of continuous service from initial appointment, or a decision as to promotion in conjunction with a reappointment extending beyond three years of continuous service from initial appointment, whichever is sooner.

With respect to grievances related to other matters, all Continuing Contract faculty are eligible to grieve regardless of their terms of service.

Additional information on faculty grievances may be found in the NYU Faculty Handbook.
D. PROCEDURE TO BE FOLLOWED WHEN A CONTINUING CONTRACT FACULTY MEMBER WISHES TO SEEK SETTLEMENT OF A GRIEVANCE

(1) The faculty grievance procedures described in this section will apply to all matter of grievances. Additional details about grievances are provided in the NYU Faculty Handbook section on Faculty Grievance Procedures for Continuing Contract Faculty.

(2) 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 convoke the grievance committee of the School of Engineering. The University procedures make it clear that the Dean alone has the right to summon the School of Engineering Faculty Grievance Committee to hear grievances. This provision is intended to regularize a practice generally followed in the past and one that underscores a traditional function of the Dean, who should seek to resolve or mediate any faculty grievances in the first instance. However, if after consultation with the Dean a faculty member does not receive satisfaction, then the faculty member may appeal to the Dean to convene the School of Engineering Faculty Grievance Committee to consider the case within fifteen (15) days after the Dean receives written notification from the faculty member of the lack of satisfaction.

(3) The School of Engineering Faculty Grievance Committee will hear evidence and report to the Dean in writing on its findings of fact and on its opinion of a fair disposition of the case. In addition, within fifteen days after the Dean has requested that the School of Engineering Faculty Grievance Committee consider a case, the Grievance Committee must do one of the following:
   • Deliver in writing its findings of fact and its opinion of a fair disposition of the case, or
   • Inform the Dean in writing that they are unable to deliver a report within fifteen days and provide a reasonable schedule for delivery of the findings of fact and opinion on a fair disposition of the case. The Faculty Grievance Committee must make every effort to complete its consideration of a case in an expeditious manner.

(4) Within fifteen days of receiving the written report from the Grievance Committee, the Dean will inform the grievant in writing of his or her decision and include a copy of the School of Engineering Faculty Grievance Committee Report. If the Committee’s report is accepted by both the grievant and the Dean, the matter shall be considered settled. However, if the Dean denies any findings of fact or refuses to implement suggestions made by the Committee as a part of its recommendations on the disposition of a case, the Dean is required to reply in writing, giving in detail his or her reasons. This memorandum must be sent both to the grievant and to the Committee.

E. APPEAL FROM A DEAN’S DECISION ON REAPPOINTMENT OR PROMOTION

(1) Appeals from the 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.

(2) The procedure that must be used for making such an appeal is the following:
(a) The faculty member intending to make an appeal shall indicate such intention in writing to the Provost, specifying all grounds for and materials in support of the appeal within fifteen 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.

(b) Where such an appeal is made, the Dean shall transmit to the Provost a report of the proceedings in the case at earlier stages. The Provost shall in each case obtain the advice of an ad hoc advisory committee —the Continuing Contract Faculty Senators Council (CFSC) 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.

(c) The Continuing Contract Faculty Grievance Advisory Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations.

(d) The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed. Evidence that a decision appealed from is so arbitrary that is has no rational foundation may be considered on the issue of “inadequate consideration.”

(e) After receiving the advice of the Continuing Contract Faculty Grievance Advisory Committee, the Provost 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 is final and subject to no further review.

F. APPEAL FROM A DEAN’S DECISION ON MATTERS SUCH AS DUTIES, SALARIES, PERQUISITES, AND WORKING CONDITIONS

Where such an appeal is desired by a faculty member and the Provost is so informed within 15 days after the faculty member is notified of the Dean’s decision, the Provost shall make informal procedures available. Appeal from a Dean’s decision can only be made on the same grounds as in (B) above.

G. THE COMPOSITION AND ROLE OF THE SCHOOL OF ENGINEERING FACULTY GRIEVANCE COMMITTEE

The School of Engineering Faculty Grievance Committee is a standing committee of the Faculty. It consists of three tenured full Professors elected by the voting members of the School of Engineering faculty and two elected Continuing Contract Faculty members who are either Industry Professors or Senior Lecturers. The Continuing Contract Faculty members will be elected by the Faculty as part of the regular committee elections. Faculty holding administrative positions at the rank of department chair or higher are excluded from the committee. The Continuing Contract Faculty members shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty members.
The School of Engineering Faculty Grievance Committee has two basic functions:

• To recommend to the Faculty for action proposals related to the grievance procedure.
• When it is convened by the Dean, to study a grievance and to report to the Dean in writing its findings of fact and its opinion on the suitable disposition of each case.

As a standing committee of the Faculty, it must regularly report to the faculty on the number of cases heard or currently under study and the ultimate disposition of such cases (for example, amicably settled, on appeal to the Dean, or rejected by the Dean as recommended by the Committee report).

VII Voting Rights of Continuing Contract Faculty at Faculty Meetings

The NYU Tandon School of Engineering Faculty and its administrators will continue the prevailing practice of holding joint meetings of its tenured and tenure-track faculty and continuing contract faculty.

Voting rights for Continuing Contract Faculty

1. Voting members of the NYU Tandon School of Engineering Faculty are defined as: all tenured and tenure-track (T-TT) faculty, emeritus faculty, and all members of the continuing contract faculty who have at least three years of continuing service and have been reappointed at least once.

2. Following the prevailing practice, the Tandon School of Engineering Faculty will continue to meet as one body. The voting members will be able to vote on all matters that come to this Faculty body. However, upon request of any voting member and on any matter under consideration, the Faculty may separately poll and record the votes of the T-TT and emeritus faculty, and the voting and non-voting continuing contract faculty. The results of these polls are advisory and intended to inform the voting faculty of the separate viewpoints and/or concerns of the two faculty groups.

3. The Faculty Executive Committee (FEC) is constituted by direct election of three members (Speaker, Speaker-Elect/Past-Speaker, and Secretary) and three additional members serve on the FEC by virtue of being elected as the Chair of the Financial Policies Committee and to the T-TT Faculty Senate with two highest votes. Only the T-TT faculty are eligible to run for the Speaker-Elect position (eventually serving as the Speaker and Past Speaker). However, Continuing Contract Faculty who were previously granted individual voting rights are also eligible to run for the Speaker-Elect position. The Secretary position is open to all voting members of the Faculty.

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2 Continuing Contract Faculty are valued members of the Tandon Faculty. The industrial and other expertise they bring to the classroom broadens and enriches the learning experience of our students. However, most continuing contract faculty do not come from an environment in which they are steeped in the culture and nuances of a university environment. In addition, because the hiring process for continuing contract faculty is not as rigorous as for their tenure track colleagues it is our intention to award voting rights after three years of continuous service which will include a formal third year review described elsewhere.
4. In the election for the Tenure and Promotion Committee members, only the T-TT faculty are eligible to vote. For other committee positions requiring nominations and elections, all voting members are eligible to vote.

5. The Nominations and Elections Committee will include representation from the continuing contract faculty in each of the following standing committees of the Faculty: Nominations and Elections Committee, Financial Policies Committee, and Student Affairs Committee. For each committee, two T-TT faculty and one continuing faculty receiving the highest votes will be eligible to serve. Finally, membership of the continuing faculty on Grievance Committee is being addressed separately as part of the guideline development for that committee.

December 7, 2016
APPENDIX A

Guidelines for Title and Rank of Initial Appointment and Promotion of Continuing Contract Faculty

Industry Professors of Various Ranks

In general, Industry Assistant Professors are individuals with six or fewer years of professional and/or teaching experience. Industry Associate Professors are individuals with seven to twelve years of professional and/or teaching experience. Industry Professors are individuals with thirteen or more years of professional and/or teaching experience.

In appointing individuals as Industry Assistant Professors, Industry Associate Professors, and Industry Professors, the following criteria should also be considered:

• academic degree;
• experience in teaching, professional practice, and/or research, including level of responsibility and past accomplishments;
• professional license;
• honors and awards; and
• significant professional and/or university service.

Lecturers and Senior Lecturers

Lecturers and Senior Lecturers are teaching faculty. Lecturers are individuals who typically have less than twelve years of teaching experience. Senior Lecturers typically have twelve or more years of teaching experience.

In appointing individuals as Lecturer or Senior Lecturer, the following criteria should also be considered:

• academic degree;
• experience in teaching, scholarly research and participation in scholarly societies, including level of responsibility and past accomplishments; • honors and awards; and
• significant professional and/or university service.

These guidelines for initial appointment also serve as guidelines for promotion.
## CONTINUING CONTRACT FACULTY REVIEW & REAPPOINTMENT RECOMMENDATION FORM

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<th>Department's Reappointment Recommendation:</th>
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<td>Do not reappoint</td>
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### Recommendation for duties and expectations to be included in reappointment letter (or list reasons for recommendation of non-appointment):

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Attachment I
Continuing Contract Faculty Online Survey

Lecturer Series Titles
Appointments/Reappointments/Promotions
Grievance Procedures

Open Survey Dates: Feb 24th To Feb 29th 2016

57% Response Rate

Summary

- No Strong Opinion Regarding The Phase Out Of Lecturer Series Titles
- Most Lecturer Series Faculty Will Move To Industry Series
• Continuing Contract Faculty Wish To Vote On Their Documents
• Voting Faculty On Appointments/Reappointments/Promotions Should Include Industry Faculty
• Additional Continuing Contract Faculty Should Sit On Grievance Committees
• Overall Satisfaction With Guidelines And Grievance Procedures
Please note that the Guidelines and Grievance Procedures were the combined results from input to the Ad hoc Committee and will be proofread and worded from a point of clarity and consistency once the Committee resumes. Any feedback already provided prior to the Special Meeting will be taken into account.

1. It is has been proposed by the Administration to neither hire into nor promote within the Lecturer series in the future.

Do you agree with this proposal?

- Yes: 34%
- No: 29%
- No strong opinion: 37%

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tbody>
<tr>
<td>Yes</td>
<td>34.15%</td>
</tr>
<tr>
<td>No</td>
<td>29.27%</td>
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<tr>
<td>No strong opinion</td>
<td>36.59%</td>
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<tr>
<td>Total</td>
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2. Do you wish to move from the Lecturer series into the Industry series?

- Yes: 40%
- No: 10%
- I am not in the Lecturer series: 50%

Answered: 40  Skipped: 1

**Table**

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tr>
<td>Yes</td>
<td>40.00%</td>
</tr>
<tr>
<td>No</td>
<td>10.00%</td>
</tr>
<tr>
<td>I am not in the Lecturer series</td>
<td>50.00%</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>40</strong></td>
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3. Currently only "voting members" of the Faculty can vote on Continuing Contract Faculty related documents at the Faculty Assembly. After Faculty approval these documents will be sent to the Provost and both Faculty Councils for review.

Should you be able to vote on approving the Continuing Contract Faculty Appointment/Reappointment/Promotion Guidelines and Grievance Procedures?

- Yes: 90%
- No: 0%
- Either is acceptable to me: 10%

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tr>
<td>Yes</td>
<td>90.00%</td>
</tr>
<tr>
<td>No</td>
<td>0.00%</td>
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<tr>
<td>Either is acceptable to me</td>
<td>10.00%</td>
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Total: 40 responses, 4 skipped
4. Per page 3 of the Guidelines, should the voting faculty for *reappointment* be defined as (note that this language appears to assume Lecturer series appointments will move into Industry series appointments):

- [ ] A) Voting faculty include tenured faculty members in the department
- [x] B) Voting faculty include tenured faculty in the department and Industry Professors (for Industry Assistant Professors, Industry Associate Professors, and Lecturer professor reappointments only)

Answered: 40  Skipped: 1

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<th>Answer Choices</th>
<th>Responses</th>
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<tr>
<td>A) Voting faculty include tenured faculty members in the department</td>
<td>2.50%</td>
</tr>
<tr>
<td>B) Voting faculty include tenured faculty in the department and Industry Professors (for Industry Assistant Professors, Industry Associate Professors, and Lecturer professor reappointments only)</td>
<td>97.50%</td>
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Total                                         | 40        |
5. Per page 4 of the Guidelines, should the voting faculty for promotion be defined as (note that this language appears to assume Lecturer series appointments will move into Industry series appointments):

- A) Voting faculty include tenured faculty members in the department  
- B) Voting faculty include tenured faculty in the department and Industry Professors (for Industry Assistant Professors, Industry Associate Professors, and Lecturer professor reappointments only)

Answered: 40  Skipped: 1

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<tr>
<th>Answer Choices</th>
<th>Responses</th>
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<tr>
<td>A) Voting faculty include tenured faculty members in the department</td>
<td>10.00%  4</td>
</tr>
<tr>
<td>B) Voting faculty include tenured faculty in the department and Industry Professors (for Industry Assistant Professors, Industry Associate Professors, and Lecturer professor reappointments only)</td>
<td>90.00%  36</td>
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<tr>
<td>Total</td>
<td>40</td>
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6. Overall, are you satisfied with the Guidelines?

- Yes 74%
- No 26%

Answered: 34  Skipped: 7

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<th>Answer Choices</th>
<th>Responses</th>
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<tbody>
<tr>
<td>Yes</td>
<td>73.53%</td>
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<tr>
<td>No</td>
<td>26.47%</td>
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Total 34
7. Per page 2 of the Grievance Procedures, do you find the make-up of the Grievance Committee satisfactory?

- Yes 27%
- No, there should be additional Continuing Contract Faculty on the Grievance Committee 73%
- No, there should not be any Continuing Contract Faculty on the Grievance Committee 0%

Answered: 37  Skipped: 4
8. Overall, are you satisfied with the Grievance Procedures?

- Yes [65%]
- No [9%]
Attachment II
Sentiment Of Continuing Contract Faculty Regarding FEC Consensus Proposal

Survey On Proposed Voting Rights

Comments On Structure Of Committees

April 6, 2016
Voting Rights Summary

- Large Majority Of Continuing Contract Faculty In Favor Of Voting Rights Suggested In FEC Consensus Proposal

- Survey Open Dates: Apr 3rd To Apr 6th 2016

- 46% Response Rate
Feedback on FEC Consensus Proposal

Continuing Contract Faculty Voting Rights at the Monthly Faculty Meeting

A consensus proposal from the FEC has been suggested which would automatically grant voting rights to any Continuing Contract Faculty member who has satisfied the criteria of completing three years of continuous service and been reappointed. These rights will be extended to all matters brought up at the monthly Faculty Meeting.

1. What is your opinion of the consensus proposal above with respect to your voting rights?

- In Favor 88%
- Against 12%

Answered: 33  Skipped: 0

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<th>Answer Choices</th>
<th>Responses</th>
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<tr>
<td>In Favor</td>
<td>87.89%</td>
</tr>
<tr>
<td>Against</td>
<td>12.12%</td>
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<tr>
<td>Total</td>
<td>33</td>
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Committee Structure Feedback

- Separating Grievance Committee Structure From Proposal Appreciated

- Request Discussion On Make-Up Of:
  - Student Affairs Committee
  - Nominating Committee
  - Financial Policies Committee
  - Faculty Executive Committee
Addendum to TFSC recommendations

The Tenured Faculty Senate Council supports the following recommendations of the Continuing Contract Faculty Senators Council for the CCF Appointment, Reappointment, Promotion and Grievance Procedures, and Voting Rights at Tandon School of Engineering

I. SUBSTANTIVE MAJOR RECOMMENDATIONS:

I. Introduction

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 states:

“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 Full-Time Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

I. Recommendation: Add the following:

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

II. Scope

Comment: Since Continuing Contract faculty 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 Continuing Contract faculty primarily have teaching responsibilities, while in other schools Continuing Contract faculty are expected to maintain an active scholarly, research, creative and/or professional life.

2. Recommendation: For faculty in schools with continuing research/creative expectations for Continuing Contract faculty, a model might be the following:

“Continuing Contract Faculty lines are typically multiyear and differ from tenure lines at the School in the following ways: [enumerate those differences]”

III. Appointment and Reappointment
Comment: The University Guidelines for Full-Time Continuing Contract Faculty, page 4, states: “Continuing Contract Faculty appointments that provide for the possibility of extended period 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.”

3. Recommendation: “If a one- or two-year contracts are adopted, the Dean 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 the school (the Faculty Assembly, Faculty Senate, etc.).”

Comment: To prevent the establishment of a permanent group of continuing contract faculty on one-year appointments, add language allowing for a transition to an appointment of at least three years for faculty on one-year appointments or a combination of one-year and two-year appointments who successfully complete a formal review, such as:

4. Recommendation: “Faculty members on continuous one-year appointments or a combination of successive one-year and two-year appointments who successfully complete their third-year formal review shall move to at least a three-year appointment.”

Comment: In the first paragraph, the policy provides only that reappointment to a three-year contract subsequent to an initial one-year or two-year contract “may be appropriate.” This presents the possibility of the creation of a permanent group faculty on continuing one-year or two-year appointments.

5. Recommendation: Delete “may be appropriate” and change sentence to “…reappointment shall be to terms of three years for Assistant and Associate Industry Professors and lecturers, and five years for Industry Professors and Senior Lecturers.”

Comment: The policy does not address the term length of appointments subsequent to an initial three-year or five-year contract.

6. Recommendation: When promoted to a three-year contract (Industry Assistant Professors and Lecturers) subsequent appointments shall be for at least three years.

7. Recommendation: When promoted to a five-year contract (Industry Associate Professors and Senior Lecturers) subsequent appointments shall be for at least five years.
Comment: The two bullet points in this section provide the faculty member with notification dates, but these provisions do not address the possibility that the faculty might not be reappointed for curricular needs or structural changes.

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.

8. 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 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.”

IV. Reappointment Review

A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment

Comment: It is not clear if this section is intended to cover faculty on continuous 1-year contracts

9. Recommendation: Clarify whether this applies to faculty on continuous 1-year contracts.

Comment: The first bullet point concerns the composition of the reappointment committee and directs that the committee consist of at least two members. If there are only two or some other even number or members, they may deadlock on decision.

10. Recommendation: The committee should consist of three or five or some other uneven number of members.

Comment: The third bullet point presents a list of items to be assessed as evidence of teaching quality. It does not include reports of classroom teaching observations.

13. Recommendation: Insert language from the list “Materials for the promotion review” on page 4 of the policy, “Written evaluations of classroom teaching observed by voting faculty.”

Comment: The materials for review include materials demonstrating evidence of “Research and Scholarship” and of “Creative and Performance Arts.” It appears that some faculty will be expected to produce research and creative output, but the policy is silent on the availability of leave time and research funds for such faculty.
Materials for the reappointment review

Comment: The list of materials is incomplete in comparison to the list of materials to be considered for promotion found on page 4.

**15. Recommendation:** Conform the list of items to the list provided for Promotions so that it includes statements of teaching and service, list of all courses taught since the previous appointment, and written evaluations of classroom teaching observed by voting faculty. Consider specifying other materials. 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.

Process for department evaluation

Comment: Voting faculty does not include Industry Assistant Professors or Lecturers. This creates a bifurcation that may exclude long-term Assistant Professors or Lecturers.

**17. Recommendation:** Add this clarification.

Comment: The “Process for department evaluation” section does not actually explain details of the procedures to be followed.

**18. Recommendation:** The Committee Chair should coordinate the creation of the committee’s report and recommendation for reappointment, which is then submitted to the 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 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).”

Comment: The Process for department evaluation section does not specify what constitutes a vote of the committee.

**19. Recommendation:** Specify that a majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot. In the case of a split opinion, the minority opinion should also be included in the report as
an appendix.

Comment: The Process for department evaluation section does not specify the procedure according to which the committee will prepare its report.

20. 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.recruitment.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 Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.”

Comment: The Process for department evaluation section does not specify a procedure to follow when the Dean agrees with a committee’s decision to reappoint a faculty member.

21. Recommendation: Add detailed information: “The 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.

“In the event that the Dean follows the recommendation of the committee to reappoint and/or for promotion, the summary letter to the faculty member with notification of intent to reappoint or for promotion should include the length of reappointment/appointment, and a signature block for the faculty member.”

Comment: The Process for department evaluation section does not specify a procedure to follow in the event the Dean disagrees with a committee’s decision to reappoint a faculty member.

V. Promotion

Statement of principles
Comment: The paragraph omits “service” as an indicator of performance and achievement.

24. Recommendation: Add “service” to the list: “...teaching, research, scholarship, service or in other duties.”

Review Process

Comment: The second paragraph under “Review Process” does not explain how the promotion review committee will be formed.
27. **Recommendation:** Specify that a majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.

28. **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.recruitment.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 Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.”

Materials for the promotion review

Comment: Although the list of materials for promotion review includes many salient documents, other possible materials are not included.

29. **Recommendation:** Consider specifying other materials. 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.

Comment: The Materials for the promotion review section asks for copies of student course evaluations and course syllabi, but does not limit the request to any time period.

30. **Recommendation:** The time period under consideration could be limited to the current reappointment period or six years, whichever is longer.

Comment: The paragraph on voting procedures for promotions provides that it be a “closed” vote, but the voting for reappointments is not closed.

31. **Recommendation:** In the interests of transparency, the voting result should not be closed.

Comment: The “Process for department evaluation” section does not actually explain details of the procedures to be followed.

32. **Recommendation:** The Committee Chair should coordinate the creation of the
committee’s report and recommendation for promotion, which is then submitted to the 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 Dean evaluating and summarizing the evidence of accomplishment, noting areas that require improvement, and making a recommendation regarding promotion (when applicable).”

Comment: The Process for department evaluation section does not specify what constitutes a vote of the committee.

33. Recommendation: Specify that a majority vote of the Promotion Committee shall be required for a successful review for a recommendation for promotion, and that all votes of both Committees 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.

Comment: The Process for department evaluation section does not specify the procedure according to which the committee will prepare its report.

34. 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 Promotion Committee, but all members of the committee should read the review before it is submitted to the Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.”

Comment: The Process for department evaluation section does not specify a procedure to follow when the Dean agrees with a committee’s decision to promote a faculty member.

35. Recommendation: Add detailed information: “The Dean will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding promotion, 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.

“In the event that the Dean follows the recommendation of the committee to promote, the summary letter to the faculty member with notification of intent to promote should include the length of reappointment/appointment, and a signature block for the faculty member.”
Comment: The Process for department evaluation section does not specify a procedure to follow in the event the Dean disagrees with a committee’s decision to promote a faculty member.

36. **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 school Dean’s decision is contrary on promotion to that of the Promotion Committee or the divisional dean, 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.”

Comment: The Process for department evaluation section does not specify the faculty member’s rights in the event of a decision not to reappoint.

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

“In all cases of an appeal to a negative decision related to promotion by the Dean, the candidate will have access to the Promotion Committee’s full report, including its recommendation and any comments from the faculty. If the report names references who have provided evaluations for the review in confidence, their names and other identifying details will be redacted from the copy provided to the faculty member.”

VI. Grievance

C. Continuing Contract Faculty Who Are Eligible to Grieve

Comment: The second paragraph entirely deprives faculty on initial appointments of one or two years of any grievance rights based on reappointment. This is contrary to the University Guidelines which provide under “Grievance Procedures” in the section “Who Can Grieve”:

“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.”

38. **Recommendation:** Delete this paragraph.

D. Procedure to Be Followed when a Continuing Contract Faculty Member Wishes to Seek Settlement of a Grievance
Comment: Section (2) The last sentence provides that a faculty member “may appeal to the Dean to convene the School of Engineering Faculty Grievance Committee.” The sentence seems to suggest that the Dean has some discretion whether to convene the grievance committee.

**39. Recommendation: Change the sentence to read: “shall have the right to appeal to the Dean who shall convene the School of Engineering Faculty Grievance Committee.”**

E. Appeal from a Dean’s Decision on Reappointment or Promotion

Comment: In section (2), parts (b), (c) and (e) the name of the Grievance Committee is incorrect.

**40. Recommendation: Change to “Continuing Contract Faculty Senator’s Council Faculty Grievance Committee”**

Comment: Part (d) omits reference to violations of academic freedom as a ground for pursuing a grievance. The University Guidelines for CCF provide as a ground for grievance decisions that “violated the academic freedom of the faculty member in question.”

**41. Recommendation: Change the first sentence to read: “The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed or whether the grievant’s academic freedom has been violated.”**

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

Comment: The paragraph refers to “informal procedures” but does not specify what those procedures are.

**42. Recommendation: Specify the informal procedures as meetings, correspondence, etc.**

VII. Voting Rights of Continuing Contract Faculty at Faculty Meetings

Comment: Paragraph 5 indicates that the Grievance Procedure is not included in this document but is under development. The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before the school sends the policy to the Provost. The process should be identified and explicitly described in this document.

**43. Recommendation: We recommend that the grievance/appeal process closely follow the principles elaborated in the University Guidelines that specify that all members of the committee, including the senior continuing contract faculty member, be elected: “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.”

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

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

II. SUBSTANTIVE MINOR RECOMMENDATIONS

II. Scope
Comment: Whereas the “Industry Professor” title is defined in terms of the expected background of the faculty member, the Lecturer titles are defined in terms of their duties.

46. Recommendation: Define the two categories of faculty in consistent ways, either by background, or by duties, or by the combination of both.

IV. Reappointment Review

A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment

Comment: On the top of page 3, at the end of the third bullet point, there is a provision concerning “Creative and Performance Arts.”

47. Recommendation: Clarify “innovation and impact in conducting creative and performance arts.”

B. Contract Not Continuing Beyond the Third Year of Continuous Service from Initial Appointment

Comment: The wording is confusing,

48. Recommendation: Add the word “respectively” as follows: “…pursuant to a one- or two-year contract, respectively, shall not be required to undergo the review process….”
VII. Voting Rights of Continuing Contract Faculty at Faculty Meetings

Comment: Paragraph (2) provides that the Tandon School of Engineering Faculty “may separately poll and record the votes” of the various categories of faculty. The sentence is unclear.

49. Recommendation: Change to “may separately poll and record: 1) the opinions of the T-TT and emeritus faculty; and 2) the opinions of the voting and non-voting continuing contract faculty.”

Comment: The language concerning eligibility to run for the position of Speaker-Elect is confusing: “Only the T-TT faculty are eligible to run for the Speaker-Elect position (eventually serving as the Speaker and Past Speaker). However, those Continuing Contract Faculty how were previously granted individual voting rights are also eligible to run for the Speaker-Elect position.”

50. Recommendation: Change to “Two categories of faculty are eligible to run for the position of Speaker-Elect (eventually serving as the Speaker and Past Speaker): 1) T-TT faculty; and 2) those Continuing Contract Faculty how were previously granted individual voting rights.”

Comment: Paragraph 5 concerning the Nominations and Elections Committee is confusing as it states that membership on that committee will draw from three standing committees, including the very same Nominations and Elections Committee.

51. Recommendation: Clarify this sentence.

III. EDITORIAL RECOMMENDATIONS

1. Introduction
Comment: In the quotation, “university” in the last line is not capitalized.

52. Recommendation: Capitalize “University.”

Comment: The technically correct name for the faculty is “Full-time Continuing Contract Faculty.”

53 Recommendation: Insert “Full-time”
Resolution from the T-FSC Governance Committee
Regarding Faculty Representation on the NYU Board of Trustees

WHEREAS NYU faculty members have a unique perspective on the administration and culture of our university;

and

WHEREAS the NYU Board has recently sought more contact with NYU faculty members;

RESOLVED that the T-FSC (Tenured and Tenure-Track Faculty Senators Council) proposes to the NYU Board of Trustees that the Board should add members of the NYU Faculty to the Board to take part in the Board’s deliberations and decisions. Furthermore, the T-FSC proposes that the faculty members of the Board should be elected by the NYU faculty.