MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF MAY 5, 2016

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

In attendance were Senators Amkpa, Disotell, Garabedian, Jelinek, Jones-Rooy, Kane, Lapiner, Ling, Mincer, Morning, Porfiri, Rajagopal, Ramey, Stanhope, Sternhell, Thurston, and Zagzag; Alternate Senators Dasanayake (for Kamer), Frydman (for Backus), Samuels (for Hoffman), and Tannenbaum. Former Member Moskowitz attended as a guest.

APPROVAL OF THE MINUTES OF THE MEETING HELD APRIL 14, 2016

Upon a motion duly made and seconded, the minutes of the April 14, 2016 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: ALLEN MINCER

Faculty of Arts and Science (FAS) Senator Elections

Chairperson Mincer reported the FAS Nominations and Elections Committee wishes to more evenly distribute the terms of their senators. Therefore, they ask to elect one senator this year for a one-year term instead of a three-year term. This was brought to the Governance Committee and the Committee agreed with the decision. According to the T-FSC Rules elections are supposed to be held for a three-year term.

Mincer presented a motion to suspend the T-FSC Rules in order for FAS to elect a senator to a one-year term. The motion was seconded and approved by vote of the Council.

Mincer reported the Executive Committee (EC) had its final meeting with the Provost on April 14. They conveyed to him the resolution of thanks voted on by the T-FSC. The Provost offered his vision of the current state of NYU and where NYU is headed. At the EC’s last meeting with President Hamilton, the EC communicated the support of the faculty for the initiatives his office has undertaken, and also expressed various concerns voiced by faculty.

Mincer noted the EC will be establishing a Summer Committee to work on any issues that come up during the summer months, and asked Senators to let the EC know if they are willing to serve.

See attached Document E for the list of Council and University Senate meetings, 2016-2017.

T-FSC COMMITTEE REPORTS

Personnel Policies & Tenure Modifications: Co-Chairs Warren Jelinek & Nancy Van Devanter

Joint Recommendations of T-FSC and C-FSC regarding Gallatin School of Individualized Study Clinical Faculty: Policy and Practice for Full-Time Continuing/Contract Faculty
Senator Jelinek read the statement from Provost McLaughlin’s memo regarding the faculty’s involvement in review of the policy:

Dean Susanne Wofford advises me that all parts of this document were voted on in its official form by the full Gallatin faculty that a subcommittee of Gallatin faculty reviewed subsequent revisions suggested by university leadership incorporated into this final document, and that this committee composed of faculty representing both tenured, tenure-track and clinical faculty approve this document.

Jelinek presented Chairperson Mincer’s comments and suggestions on the recommendations.

On Page 2:

- **Comment:** The definition states that the Committee be comprised of “six faculty at the rank of associate professor (including one clinical associate professor).” This ratio of tenure-track to contract faculty in the case of contract faculty reappointment is unbalanced.

- **2. Recommendation:** The composition should be adjusted so that there is a majority of continuing faculty members in the case of continuing faculty appointment, reappointment and promotion. Include an additional sentence: “In cases of appointment, reappointment and promotion of clinical faculty, the Committee shall include at least three clinical faculty members at the ranks of Clinical Associate Professor or Clinical Professor.”

Mincer questioned whether the T-FSC is in support of the committee having a majority of continuing faculty or if the Council wants more input by tenured/tenure track faculty members.

Jelinek responded that the C-FSC requested for the committee to be more equally balanced. He added the C-FSC developed a set of twenty-one principles regarding school polices for appointment, reappointment, and promotion. This was endorsed by the C-FSC Personnel Policies and Contract Issues Committee and the C-FSC Council. The C-FSC is making sure these principles are incorporated into every policy.

Jelinek and Mincer proposed that if the Council does not agree with a joint recommendation it will be deleted from the T-FSC’s submission, but the numbering will remain the same so the Provost can easily see which recommendations are joint.

A motion to remove Recommendation 2 from the final document was moved, seconded, and approved by vote of the Council.

On Page 4:

- **Comment:** Clinical Assistant Professors are not eligible for sabbatical leave but are eligible to apply for course releases. Since research is required for promotion to Clinical Associate Professor, some form of research leave should be provided to further support professional, scholarly or creative work. A description of that eligibility, and the process governing it, should be added.

- **11. Recommendation:** The policy should clarify that Clinical Assistant Professors may apply for one or more courses releases during a given semester. Add the following to paragraph 2: “Although Clinical Assistant Professors are not eligible for sabbatical leave, they are eligible to apply to the Dean for one or more course releases during a given semester to constitute research leave. In addition, the faculty member may also fulfill advising duties remotely or apply for a waiver of advising duties to correspond with the course release/s.”
Mincer question if research leave should apply to continuing contract faculty.

It was clarified the policy currently allows partial leave. The recommendation from the C-FSC is to make continuing contract faculty eligible to apply to the dean for one or more course releases during a given semester to constitute research leave.

A motion to remove Recommendation 11 from the final document was moved, seconded, and approved by vote of the Council.

On Page 9:

26. Recommendation: The majority of the committee should be made up of elected, not appointed, members; additionally, the majority of committee should be made up of Continuing Contract faculty members.

Mincer stated his recommendation is to delete the phrase “additionally the majority of the committee should be made up of continuing contract faculty members.”

The motion was moved, seconded, and approved by vote of the Council.

On Page 11:

35. Recommendation: The paragraph must indicate that the grievance committee members are elected by the Gallatin continuing contract faculty:

“At Gallatin, the Grievance Committee shall be elected by the continuing contract faculty and shall be constituted of at least three elected, full-time senior continuing contract faculty members.”

Mincer proposed removing this recommendation from the document.

Jelinek read the statement relevant to school grievance:

“each school of faculty shall designate a faculty committee to hear grievances in order to advise the dean. Unless otherwise authorized in the school policy, and approved by the Provost, each school shall either establish a new standing faculty committee for continuing contract faculty grievances, which will include senior continuing contract faculty and tenured, tenure-track faculty elected by the voting members of the faculty or shall expand its existing standing grievance committee for tenured, tenure-track faculty to include (elected) senior continuing senior contract faculty who shall participate in hearing and evaluating only those grievances that are filed by continuing contract faculty.”

A Senator commented that one of the merits of serving on a Grievance Committee for a number of years is institutional memory, because the Grievances are confidential. He recommended that there be a single Grievance Committee that would include both tenured/tenure track and contract faculty for that purpose.

The motion to remove Recommendation 35 from the final document was moved, seconded, and approved by vote of the Council.

On Page 12:

37. Recommendation: Include this language: “In all cases of an appeal of a negative decision related to reappointment or promotion by the Dean, the candidate will have access to the Review/Promotion Committee’s full report, including its recommendation and any comments from the faculty, and to the record of the Dean’s reasons for overriding the recommendations of the Reappointment, Promotion and Tenure Committee.”
Mincer commented in the case of tenure review, the candidate is not allowed to review any
documentation, so he proposes removing this recommendation.

A Senator commented that a faculty member cannot grieve about any decisions made by the grievance
committee, only that the procedure was not followed. He raised the question of how the griever would
know if the appropriate policies have been followed without any record of the process.

The motion to remove Recommendation 37 from the final document was moved, seconded, and
approved by vote of the Council.

The recommendations, with all approved amendments, were approved by vote of the Council.

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


The recommendations were approved by vote of the Council.

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

See attached Document D and Document I: Law Recommendations and Policy.

Jelinek read the transmittal letter from the Dean of the Law School to the Provost:

“The Law School has a policy that was drafted by my office in close consultation with Vice Dean
Randy Hurst who oversees our clinical program. At each step, we consulted both your office and
the Vice Dean. Once we were satisfied with the policy’s language, the policy was provided to our
clinical faculty (some of whom are CCF) and I attended a meeting of our clinical faculty
specifically to discuss the policy and answer any questions. The policy is then distributed then to
our voting faculty (including our contract faculty) and placed on the agenda for our October 7th,
2015 faculty meeting. At that meeting the faculty engaged in a substantive discussion about the
draft policy focusing on questions concerning consistency of the Law School’s policy with
university policy and the involvement of the CCF in faculty governance (particularly voting rights
of the CCF and faculty meeting, attendance by CCF). After some further revision of the policy’s
language in light of the faculty’s discussion, the policy was approved unanimously by our voting
faculty including the continuing contract faculty who were in attendance in the faculty meeting on
November 11th, 2015.”

The recommendations were approved by vote of the Council.

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


Jelinek presented Chairperson Mincer’s comments and suggestions on the recommendations.

On Page 4:

III. Titles and Terms of Employment
   Hiring, Reappointment, and Promotion
   B. Reappointment for Three-Year Contracts.
      Third Paragraph
      Fifth Bullet Item
"If the Director's determination is contrary to the review committee's recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director's determination is finalized."

Recommendation
This is a good idea, but consider that an explicit procedure be established whereby the committee could solicit additional information, including query of the candidate for reappointment, to bolster, amplify, or merely restate its original recommendation, as it seems unreasonable to expect the committee to alter its original recommendation absent new information.

On Page 7:

12. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.
Second Paragraph
Task
Fifth Bullet Item
Second and Third Sentences
Page 5

"If the Director's determination is contrary to the review committee's recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director's determination is finalized."

Recommendation
This is a good idea, but consider that an explicit procedure be established whereby the committee could solicit additional information, including query of the candidate, to bolster, amplify, or merely restate its original recommendation, as it seems unreasonable to expect the committee to alter its original recommendation absent new information.

Mincer commented he does not believe it is reasonable to ask a committee that has already made its recommendation to gather additional evidence to argue against a Dean's decision. He suggests removing both recommendations.

The motion to remove these two recommendations was moved, seconded, and approved by vote of the Council.

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Recommendations Of
The Continuing Contract Faculty Senators Council and
The Tenured/Tenure Track Faculty Senators Council
In Regard To:

Gallatin School of Individualized Study
DRAFT Clinical Faculty: Policy and Practice
for Full-Time Continuing/Contract Faculty

Background

From a letter dated October 23, 2015, sent by Provost David McLaughlin: “The Office of the Dean of the Gallatin School of Individualized Study has completed a process within the school to create its policy document on Gallatin School Clinical Faculty: Policy and Practice. My office, together with the Office of the General Counsel, worked with the school to edit the document to ensure consistency with University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments.”

The following document consists of recommendations made jointly by the C- FSC Personnel Policies & Contract Issues Committee and the T-FSC Personnel Policies & Tenure Modifications Committee in an effort to improve the Gallatin School Clinical Faculty: Policy and Practice document and to ensure its compliance with the University Guidelines For Full-Time Non-Tenure Track/Contract Faculty Appointments.

I. SUBSTANTIVE MAJOR RECOMMENDATIONS:

Preamble

Comment: The Preamble notes: “As with all NYU and Gallatin policies, this Policy Document is subject to change, and the policies in effect at the time of an action will apply to that action.” This sentence fails to specify the procedures to be followed in the event of any amendment to the policy.

1. Recommendation: Pursuant to University Guidelines Sec. II, para. 2, clarify specifically and explicitly the process of amendments to this policy. Any proposed changes should be presented, discussed and voted on by Gallatin’s faculty government. Mechanisms for timely distribution to the faculty, faculty discussion, as well as the ability for faculty to present amendments, make recommendations to and vote on the Policy in a regularly scheduled Gallatin faculty meeting following procedures of its faculty governance, should be included and stated explicitly in the policy, such as:

“Any amendment to this Policy must be in writing, submitted at least two weeks in advance to the Gallatin faculty for discussion, for the possibility for amendments, and for a vote at a regularly scheduled Gallatin faculty meeting, pursuant to its faculty charter.”
General Definitions

Comment: The definition states that the Committee be comprised of “six faculty at the rank of associate professor (including one clinical associate professor).” This ratio of tenure-track to contract faculty in the case of contract faculty reappointment is unbalanced.

2. Recommendation: The composition should be adjusted to a majority continuing faculty members in the case of continuing faculty appointment, reappointment and promotion. Include an additional sentence: “In cases of appointment, reappointment and promotion of clinical faculty, the Committee shall include at least three clinical faculty members at the ranks of Clinical Associate Professor or Clinical Professor.”

I. Definition of the Clinical Faculty in the Gallatin School

Paragraph 1:
Comment: The paragraph can further clarify the distinctions between tenure-track and contract faculty, especially given the fact that there are research/creative production expectations of contract faculty at least for purposes of promotions.

3. Recommendation: Include this language: “Clinical faculty are ineligible for tenure. Clinical appointments often include some administrative supervisory responsibilities. Clinical faculty lines are typically multiyear and differ from tenure lines at Gallatin in the following ways: [identify those differences].”

Paragraph 6:
“When administrative appointments form a significant part of a clinical faculty member’s appointment, their contracts may incorporate different teaching and advising responsibilities.”

a. It is reasonable to expect that “different” equates to “reduced”.

b. Are there occasions when administrative appoints would form a significant part of a clinical faculty member’s appointment but their contracts would not incorporate different (reduced) teaching and advising responsibilities?

4. Recommendation:
   a. Rephrase to more clearly define “different”
   b. Change “may” to “shall” or “will”

“When administrative appointments form a significant part of a clinical faculty member’s appointment, their contracts {shall, will} incorporate reduced teaching and/or advising responsibilities.”

Paragraph 7:
“Clinical faculty, like all Gallatin full-time faculty, are expected to take on a full advising responsibility, normally 20-25 advisees per faculty member.”

Does this full advising responsibility of normally 20-25 advisees constitute the advising that can be performed in place of one course, as indicated in: I. Definition of the Clinical Faculty in the Gallatin School; Paragraph 6; Sentence 5:

“Clinical faculty may perform an administrative, advising, or co-curricular role for the School in the place of one course.”

If so, then it appears that all faculty qualify for release from teaching one course because they are expected to take on a full advising responsibility.

5. Recommendation: Clarify whether the full advising responsibility of 20-25 advisees qualifies for release from teaching one course. If a full advising responsibility of 20-25 advises does not qualify for release from teaching one course, rephrase:

“Clinical faculty may perform an administrative, advising, or co-curricular role for the School in the place of one course.”

as

“Clinical faculty may perform an administrative role, an advising role in excess of the expected responsibility of advising 20-25 advisees, or a co-curricular role for the School in the place of one course per semester.”

II. Search and Hiring Procedures

Paragraph 1:
How does the faculty decide on the finalist candidates for presentation to the Dean?

6. Recommendation: For clarity, add or refer to a description of the procedure by which the faculty winnows the list of those candidates invited to campus for job talks and meetings with the faculty to those candidates that the faculty presents to the Dean.

Comment: The last sentence reads: "The faculty present finalist candidates to the Dean, and the Dean selects the candidate from among the finalists." This practice gives the Dean the power to select the candidate that should belong to the search committee.

7. Recommendation: The sentence should read: "The faculty presents the names of its preferred candidates in order of preference to the Dean for the Dean's approval. If the Dean prefers a different candidate, the Dean must provide his or her justification for overriding the preferences of the search committee."
III. Terms of Appointment

Paragraph 1:
“It is important that the qualifications and performance of the clinical faculty member be evaluated regularly as part of the appointment and reappointment process. Clinical faculty members, like all Gallatin full-time faculty, are required to present an annual report of activities and accomplishments to the Dean.”

8. Recommendation: Consider stipulating that faculty members shall receive written feedback regarding the conclusions of the annual evaluation, in particular, the identification of areas, if there are such, that require improvement for continued reappointment and/or promotion.

Paragraph 2:
Comment: The University Guidelines specify the grounds for and process of stopping the contract clock: “Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include:…the grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation)…”

9. Recommendation: Insert such language after paragraph 2.

Leaves and Resources

Paragraph 1:
Comment: The last sentence states “Faculty on sabbatical leave are released from teaching but are not released from all advising duties.” This suggests that faculty would need to be present on campus, precluding research activities that would require either time away from campus or travel or residence elsewhere.

10. Recommendation: Add the word "usually" to the sentence: "...but are not usually released from all advising duties." Add the following "For faculty members whose sabbatical leave requires that they be absent from campus, advising duties may be fulfilled remotely or waived on an individual basis."

Comment: Clinical Assistant Professors are not eligible for sabbatical leave but are eligible to apply for course releases. Since research is required for promotion to Clinical Associate Professor, some form of research leave should be provided to further support professional, scholarly or creative work. A description of that eligibility, and the process governing it, should be added.
11. Recommendation: The policy should clarify that Clinical Assistant Professors may apply for one or more courses releases during a given semester. Add the following to paragraph 2: "Although Clinical Assistant Professors are not eligible for sabbatical leave, they are eligible to apply to the Dean for one or more course releases during a given semester to constitute research leave. In addition, the faculty member may also fulfill advising duties remotely or apply for a waiver of advising duties to correspond with the course release/s."

IV. Policy and Practices for Reappointment and Promotion

Paragraph 1:
Comment: Statements of reappointment criteria appear in the Definitions section instead of under this section concerning reappointment and promotion policies.

12. Recommendation: Insert the following from the Definitions section on page 2 here (from paras. 2-5 on p. 2):

“To recognize the range of qualifications and experiences that lead to the appointment as a member of the clinical faculty, this document makes a distinction between the criteria used for appointment or reappointment at the rank of Clinical Assistant Professor, and the criteria for promotion or initial appointment at the rank of Clinical Associate Professor or above.”

“The requirements for reappointment of Clinical Assistant Professors as described below depend on evidence of excellence in teaching, advising, service and citizenship. While scholarship or practice in the arts or professional fields is highly valued, it is not required for reappointment. While it is important to recognize that such achievement is not required, many members of the clinical faculty achieve distinction and recognition for their work as scholars, artists or practitioners, and this achievement is highly valued by the School.”

“For promotion to Clinical Associate Professor, excellence in scholarship or research in an academic field and/or continuing accomplishment in a field of the arts or a profession, in addition to excellence in teaching, advising, and service, is required.”

13. Recommendation: Add the stipulation that if the reason not to reappoint is due to a curricular or structural change in the academic program that fundamentally alters the nature of an existing full-time teaching assignment, that reason will be clearly stated in the report not to reappoint, which will be available to the not-reappointed clinical faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s teaching performance.

1. Reappointment without promotion, Clinical Assistant Professor

Paragraph 2:
Comment: The reappointment is contingent on the faculty member meeting a “standard of excellence” laid out in the School’s Promotion and Tenure Guidelines.

14. Recommendation: Specify how “performance” will be assessed. For example, the following factors might be considered: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc.

Otherwise, a link to the Promotion and Tenure Guidelines should be provided.

Paragraph 4:
Comment: The section does not provide enough detail on the Review Committee.

15. Recommendation: The Committee should choose its own chair, who then coordinates the creation of the committee’s report and recommendation for reappointment, which is then submitted to the 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.recruitment.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).”

16. Recommendation: Specify that a majority vote of the Reappointment 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. Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.

17. 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.”
Paragraph 5:
Of four possible outcomes, only two are indicated on the assumption that the Reappointment, Promotion and Tenure Committee recommends promotion.

18. Recommendation: Rephrase to include all possible outcomes:

   a. “If the Reappointment, Promotion and Tenure Committee recommends renewal of the contract and the Dean accepts the recommendation, he or she will then notify the clinical faculty member that the contract will be renewed.
   
   b. If the Reappointment, Promotion and Tenure Committee recommends renewal of the contract and the Dean does not accept the recommendation, the Dean will notify the clinical faculty member that the contract will not be renewed and the faculty member will be given a written rationale for the non-renewal.
   
   c. If the Reappointment, Promotion and Tenure Committee recommends against renewal of the contract and the Dean accepts the recommendation, he or she will then notify the clinical faculty member that the contract will not be renewed and the faculty member will be given a written rationale for the non-renewal.
   
   d. If the Reappointment, Promotion and Tenure Committee recommends against renewal of the contract and the Dean decides to renew the contract, he or she will then notify the clinical faculty member that the contract will be renewed.”

Comment: The paragraph does not specify a procedure to follow in the event that the Dean does not accept the Reappointment Committee’s recommendation.

19. 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 appointment, title, or length of contract to that of the Review and Reappointment Committee or the Promotion Committee or the divisional dean, the Dean will provide the committee 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.”

2. Promotion to Clinical Associate Professor

Recommendation: For purposes of consistency with part 4 (“Appointment and Promotion to Clinical Professor”), change the section title to “Appointment and Promotion to Clinical Associate Professor.”

Paragraph 1:
Comment: The paragraph provides that after 6 years, a Clinical Assistant Professor may request at the time for reappointment to be considered for promotion to Clinical Associate Professor. It is not clear whether the 6 years must have been accrued at NYU or whether the 6 years can
include prior service at another university.

20. **Recommendation:** Change language to “but normally after 6 years at NYU or elsewhere…”

Paragraph 5; Sentence 1:
“The report of the Reappointment, Promotion and Tenure Committee will be forwarded to the Dean who will then bring it before the entire Senior Faculty for a vote.”

21. **Recommendation:** Consider adding: “Voting by the entire Senior Faculty on its recommendation for promotion shall be by closed ballot. Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote.”

Sentence 2:
“The Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make the final decision about whether to approve a promotion or not.”

22. **Recommendation:**
To be consistent, specify the full name of the Committee: “Reappointment, Promotion and Tenure Committee”

“The Reappointment, Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make the final decision about whether to approve a promotion or not.”

Sentence 3:
“The Dean will then either accept the recommendation for promotion or will notify the clinical faculty member that the promotion has not been approved”

This sentence is not inclusive of all potential recommendations for promotion and the Dean’s acceptance of the recommendation. For example, the Dean may not accept the recommendation not to promote (the recommendation and the vote of the Senior Faculty are advisory to the Dean, not directive), in which case, it may be inappropriate for the Dean to “notify the clinical faculty member that the promotion has not been approved.”

23. **Recommendation:**
Re-write this sentence (or sentences) to comprise all potential recommendations and votes of the Senior Faculty and all the Dean’s potential acceptances or non-acceptances of the recommendation and vote of the Senior Faculty (see #18).

Comment: The paragraph does not specify a procedure to follow in the event that the Dean does not accept the Promotion Committee’s recommendation.

24. **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 appointment, title, or length of contract to that of the Review and Reappointment Committee or the Promotion Committee or the divisional dean, the Dean will provide the committee 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.”

25. Recommendation: Consider adding at the end of this section that if the Dean notifies the clinical faculty member that the promotion has not been approved, the faculty members shall receive written feedback regarding the reasons that the promotion was not approved and indication of areas, if there are such, that require improvement for successful future promotion.

3. Reappointment to the rank of Clinical Associate Professor

Paragraph 2:
Comment: The paragraph refers to a decanal committee consisting of the Dean, the Associate Dean for Faculty and one full professor appointed by the Dean.

26. Recommendation: The majority of the committee should be made up of elected, not appointed, members; additionally, the majority of committee should be made up of Continuing Contract faculty members.

Comment: The section does not provide enough detail on the Reappointment Review Committee.

27. Recommendation: The Committee should choose its own chair, who then coordinates the creation of the committee’s report and recommendation for reappointment, which is then submitted to the 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).”

28. Recommendation: Specify that a majority vote of the Reappointment 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. Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.
29. Recommendation: Add language detailing the process governing the creation of the review committee’s report, similar to that found on the FAS website, “Procedures for Reappointment and/or Promotion” for clinical faculty (http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html), adapted as follows:

“The review may be written by one or more member of the Review and Reappointment Committee, but all members of the committee should read the review before it is submitted to the 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.”

Paragraph 3:
Comment: The paragraph does not specify a procedure to follow in the event that the Dean does not accept the Promotion Committee’s recommendation.

30. 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.recuitment.html):

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

31. Recommendation: Consider stipulating that if the Dean notifies the clinical faculty member that he or she will be reappointed, the faculty member shall receive written feedback regarding recommendations, if there are such, for continued reappointment.

4. Appointment and Promotion to Clinical Professor

Paragraph 1:
Comment: The paragraph states “Appointments made at the rank of Clinical Professor normally require a minimum of twelve years of teaching and related professional experience at NYU or elsewhere.”

32. Recommendation: Change language to “a minimum of twelve years” at NYU or elsewhere”

Paragraph 4:
33. Recommendation: Consider adding: “Voting by the Senior Promotion and Tenure Committee and the Full Professors (including Tenured and Clinical) on their respective recommendations for promotion to Clinical Professor shall be by closed ballot. Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote.”
Comment: The paragraph does not specify a procedure to follow in the event that the Dean does not accept the Senior Promotion and Tenure Committee’s recommendation.

34. 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.recuitment.html):

“If the school Dean's decision is contrary on appointment, title, or length of contract to that of the Senior Promotion and Tenure Committee, the Dean will provide the committee with the reasons. The committee members will then have ten days in which to provide further information or counter—argument before the Dean's decision is finalized.”

5. Grievance and Appeals Related to Reappointment and Promotion

Comment: The University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments provides in sec. V, part d: “…[E]ach school shall either establish a new standing faculty committee for FTNTT/CF grievances, which shall include senior FTNNT/CF 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 FTNNT/CF…” The paragraph in the Gallatin policy is in part inconsistent with the University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments insofar as it omits reference to an election process for the selection of members of a grievance committee.

35. Recommendation: The paragraph must indicate that the grievance committee members are elected by the Gallatin continuing contract faculty:

“At Gallatin, the Grievance Committee shall be elected by the continuing contract faculty and shall be constituted of at least three elected, full-time senior continuing contract faculty members.”

Comment: The Guidelines also provide in sec. V numerous requirements and procedures for the school grievance process, including specifying who may grieve, the grounds of 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.

36. Recommendation: The development of the grievance process should be undertaken with full participation by the Clinical Faculty and submitted to the faculty for discussion and a vote by the faculty to ensure that the grievance policy conforms to the Guidelines. 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.

Comment: This paragraph does not clarify the documentary basis upon which a faculty
member may pursue a grievance because the Reappointment, Promotion and Tenure Committee’s recommendation and the record of the Dean’s decision on the recommendation are not mentioned.

37. **Recommendation:** Include this language: “In all cases of an appeal of a negative decision related to reappointment or promotion by the Dean, the candidate will have access to the Review/Promotion Committee’s full report, including its recommendation and any comments from the faculty, and to the record of the Dean’s reasons for overriding the recommendations of the Reappointment, Promotion and Tenure Committee.

**Comment:** The composition of the grievance committee in the case of a grievance by a Clinical Assistant Professor is unclear.

38. **Recommendation:** Change the sentence to read: “In the case of a grievance by a Clinical Assistant Professor, at least one of the members shall be an elected Clinical Associate Professor or Clinical Professor.”

**Comment:** The paragraph does not include a provision for grievances by Clinical Professors.

39. **Recommendation:** Include a sentence specifying the composition of a grievance committee for grievances of Clinical Professors. “In the case of a grievance by a Clinical Professor, the Grievance Committee shall consist of three elected senior faculty members at least one of which shall be a Clinical Professor.”

**II. SUBSTANTIVE MINOR RECOMMENDATIONS:**

**Preamble**

none

**General Definitions**

Comment: This paragraph refers to “Gallatin’s Tenure and Promotion Guidelines” as a source for definitions and descriptions.

40. **Recommendation:** A hyperlink to the Guidelines should be provided.

**I. Definition of the Clinical Faculty in the Gallatin School**

Paragraph 3:

Comment: The paragraph refers to “the review preceding the review for promotion to Clinical Associate Professor should draw the candidate's attention to any areas that need to be addressed for a successful promotion”. To so inform a Clinical Assistant Professor would require the reappointment committee to anticipate and predict when the faculty member would be applying for promotion in the future.
41. **Recommendation:** Add the following for clarification:
“In particular, a reappointment review should anticipate that a Clinical Assistant Professor may in the future apply for promotion and the reappointment review should draw attention to any areas that need to be addressed for a successful promotion.”

Paragraph 6:
**Comment:** The fifth sentence refers to course release of “one course” for those faculty with administrative, advising, or co-curricular roles.

42. **Recommendation:** Clarify whether the course release of one course is per year or per semester.

### II. Search and Hiring Procedures

none

### III. Terms of Appointment

Paragraph 2:
43. **Recommendation:**
   a. To comply with the stipulation that reappointment procedures begin in the penultimate year of the contract, rephrase to include “in the fourth year following the initial appointment and in the fifth year following each reappointment for Clinical Associate Professors,”

   b. For consistency, add “and in the fifth year for Clinical Full Professors” if Clinical Full Professors are reappointed after six years and require the reappointment procedures to begin in the penultimate year of the contract:

   “Reappointment procedures begin in the penultimate year of the contract (thus in the second year for Clinical Assistant Professors, in the fourth year following the initial appointment for Clinical Associate Professors and in the fifth year following each reappointment for Clinical Associate Professors, and in the fifth year for Clinical Full Professors)”.

### Leaves and Resources

Paragraph 2:
**Comment:** The policy indicates that clinical faculty share the same access resources to support research as all full-time tenure-track faculty. The policy is silent on whether Clinical Faculty can serve as Principal Investigators on research grants.
44. Recommendation: Clarify whether clinical faculty are eligible to serve as Principal Investigators. If they are not eligible, explain why not, or change eligibility.

IV. Policy and Practices for Reappointment and Promotion

Inserted Paragraph 3:

Comment: Refers to the requirements for reappointment as requiring “evidence of excellence in teaching, advising, service and citizenship.” It also refers separately to “scholarship or practice in the arts or professional fields.” In this context, “citizenship” is undefined and vague.

45. Recommendation: Delete “citizenship” unless it is defined specifically and in distinction to the other assessment criteria.

Inserted paragraph 4:
Comment: The paragraph includes this sentence: “We make an important distinction between what is a formal requirement for reappointment of contract as a Clinical Assistant Professor, and the quality of the artistic, professional or scholarly achievement of the clinical faculty member.”

46. Recommendation: Delete this sentence from the paragraph 4 transferred from page 2 because it does not make sense.

1. Reappointment without promotion, Clinical Assistant Professor

Paragraph 4:
Comment: The paragraph provides that the Reappointment Committee’s report “should be brief and succinct.”

47. Recommendation: As the report should be thorough and complete, delete the word “brief.”

2. Promotion to Clinical Associate Professor

Paragraph 3:
Comment: The paragraph needs to specify the criteria for promotion.

48. Recommendation: Provide a link to the Promotion and Tenure Guidelines.

Paragraph 5; Sentence 2:
“The Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make the final decision about whether to approve a promotion or not.”

49. Recommendation:
To be consistent, specify the full name of the Committee: “Reappointment, Promotion and Tenure Committee”
“The Reappointment, Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make the final decision about whether to approve a promotion or not.”

3. Reappointment to the rank of Clinical Associate Professor

none

4. Appointment and Promotion to Clinical Professor

Paragraph 3:
Comment: The paragraph duplicates the criteria of excellence that were specified in the prior paragraph.

50. Recommendation: Delete this paragraph.

5. Grievance and Appeals Related to Reappointment and Promotion

Comment: The last sentence concerning grievances by a Clinical Associate Professor is unclear.

51. Recommendation: Change the sentence to read: “In the case of a grievance by a Clinical Associate Professor, the Grievance Committee shall consist of three elected senior faculty members at least one of whom shall be a Clinical Associate Professor or Clinical Professor.

III. MINOR EDITORIAL RECOMMENDATIONS:

Preamble

none

General Definitions

Paragraph 1: The Gallatin Reappointment, Promotion and Tenure Committee

Comment: The description of this Committee concludes with “Clinical Associate Professors on the committee vote on cases involving reappointment of Clinical Assistant Professors and on cases of promotion to Clinical Associate Professor.”

52. Recommendation: Delete this sentence because the voting conditions for Clinical faculty in the Committee are stated below.

Paragraph 2: The Senior Promotion and Tenure Committee

Comment: The definition refers to “all faculty at the rank of full professor.” This reference is unclear.
53. Recommendation: change the language to: “all faculty at the rank of Full Professor and/or Clinical Full Professor.”

Paragraph 7: Footnote 1

Comment: Refers twice to “that document.” The second usage is confusing.

54. Recommendation: Change the second reference to “that document” to “Promotion and Tenure Document” and include hyperlink.

I. Definition of the Clinical Faculty in the Gallatin School

Paragraphs 2-5:

Comment: These paragraphs refer to the criteria for reappointment and promotion rather than to the definition of clinical faculty in the Gallatin School.

55. Recommendation: These paragraphs should be moved to Part IV Policy and Practices for Reappointment and Promotion.

Paragraph 8:

Comment: The paragraph refers the reader to another section on promotion to Clinical Full Professor. The section makes no other similar references.

56. Recommendation: For the sake of consistency, delete this reference.

II. Search and Hiring Procedures

none

III. Terms of Appointment

Paragraph 1:
“Clinical faculty members are appointed for multiple-year contracts, and these contracts, following successful reviews, can be renewed without limit.”

This sentence reads as though the contracts require successful reviews, but what is actually meant is that faculty members must be successfully reviewed for their contracts to be renewed without limit.

57. Recommendation: Rephrase to clarify the meaning as:
“A clinical faculty member is appointed on a multiple-year contract, which, following a successful review of the faculty member at the time of contract renewal, can be renewed without limit.”

**Leaves and Resources**

Paragraph 1; Sentence 3:
“Clinical Associate Professors and full Professors are eligible for subsequent sabbatical leaves according to the normal sabbatical schedule upon application and with evidence of continued artistic, professional or scholarly productivity.”

58. Recommendation: Capitalize “full” and add “Clinical” before “full Professors”

“Clinical Associate Professors and Clinical Full Professors are eligible for subsequent sabbatical leaves according to the normal sabbatical schedule upon application and with evidence of continued artistic, professional or scholarly productivity.”

**IV. Policy and Practices for Reappointment and Promotion**

none

1. **Reappointment without promotion, Clinical Assistant Professor**

none

2. **Promotion to Clinical Associate Professor**

Paragraph 3:
“The complete portfolio will be submitted to the Promotion and Tenure Committee, and subjected to a similar but more extensive review and report as was undertaken for the Clinical Assistant Professor reappointments.”

59. Recommendation: To avoid confusion specify the full name of the Committee, “Reappointment, Promotion and Tenure Committee” (the assumption for this recommendation is that the relevant committee is the “Reappointment, Promotion and Tenure Committee”, as it is listed in the fifth paragraph, first sentence)

“The complete portfolio will be submitted to the Reappointment, Promotion and Tenure Committee, and subjected to a similar but more extensive review and report as was undertaken for the Clinical Assistant Professor reappointments.”

Paragraph 5; Sentence 2:
“The Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make
the final decision about whether to approve a promotion or not.”

60. Recommendation: Add “Reappointment,” before “Promotion”

3. Reappointment to the rank of Clinical Associate Professor

Paragraph 2;
Sentence 3:
“The candidate will not be renewed if the standards of excellence required at Gallatin in teaching, advising and service are not met, but in addition the faculty member’s performance in his or her field of scholarly, creative or practical work will need to meet the high standards required at the time of promotion or appointment.”

This sentence is awkward and does not describe correctly what is not to be renewed if standards of excellence are not met; it is the candidate’s contract, not the candidate him- or herself.

61. Recommendation: Re-write the sentence as:
“The candidate’s contract will not be renewed if he or she has not met the standards of excellence required at Gallatin with respect to teaching, advising and service, nor will the candidate’s contract be renewed if his or her performance in his or her field of scholarly, creative or practical work has not been maintained at the high standards required at the time of promotion or appointment.”

4. Appointment and Promotion to Clinical Professor

none

5. Grievance and Appeals Related to Reappointment and Promotion

none
Recommendations Of
The Tenure Faculty Senators Council In Regard To:

GUIDELINES FOR
FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS
CENTER FOR URBAN SCIENCE AND PROGRESS (CUSP)

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

According to project commitments included in the April 25, 2012 Development, Use and Operation Agreement for 370 Jay Street, NYU will report to the EDC the number of tenured faculty, tenure-track faculty, contract faculty, research scientists and senior researchers from industry working at CUSP.

Substantive Recommendations

1. II. Scope of these Guidelines
   page 3

   “(ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion within the appointment category, such as from Assistant to Associate, may be required for renewal),”

   It is not defined in this policy under what conditions “promotion within the appointment category, such as from Assistant to Associate, may be required for renewal.”

   Are such conditions standard and will they be applied equally to all Full-time Non-Tenure Track/Contract Faculty within an appointment category who seek renewal?

   Recommendation
   Add language that clearly specifies the conditions under which promotion is required for appointment renewal at CUSP.

2. III. Titles and Terms of Employment
   C. Duration of Contracts
   page 4
“Within the framework of CUSP’s long term staffing plans, extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. As such, CUSP F1NTT/CF appointments will typically be secured by a three-year contract with renewable terms, unless a one-year renewable contract is more appropriate based on CUSP’s academic curricular needs.”

Recommendation 1
In keeping with the spirit of the proviso of the
NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS
IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT
Excellence in Faculty Appointments
Hiring Plan and Process
a. Duration of Contracts:

“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 are programmatically and academically desirable in a number of schools and academic programs within schools, and can be justified accordingly.”

Consider specifying that a FTNTT/CF member appointed on successive one-year contracts who successfully completes the three-year review shall be eligible for a three-year contract.

Recommendation 2
Define conditions or give examples for when a one-year contract would be more appropriate.

3. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
Second Paragraph
page 4
“The hiring process includes consultation with NYU’s TTT faculty who have joint appointments in CUSP and also provides for meaningful FTNTT/CF input.”

Recommendation
Add language that specifies the processes by which the TTT who have joint appointments in CUSP will be consulted and the FTNTT/CF will have input. For example, will TTT and FTNTT/CF an opportunity to review the CVs of potential candidates for hire or meet with them, and comment? Will the TTT and FTNTT/CF vote on whether a potential candidate should be hired?

4. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
A. Eligibility and Criteria for Reappointment and Promotion
First Paragraph
Second Sentence
page 4
“CUSP will provide regular written feedback to faculty on three-year contracts regarding their performance based on standards embodying the highest levels of achievement.”

What is the definition of “regular”, annual, semiannual, etc.?
Is it a reference to:
III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Sixth (last) Paragraph
page 5

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

Recommendation
Define “regular” as it applies to FTNTT/CF on three-year contracts, and if the review process is as indicated in the sentence quoted above, give reference to it here as clarification.

5. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
A. Eligibility and Criteria for Reappointment and Promotion
First Paragraph
Last Sentence
page 4

“However, even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular, structural, or financial changes.”

Recommendation
Add the stipulation that if the reason not to reappoint is due to a curricular, structural or financial change, an attempt will be made to determine whether the not-reappointed faculty member would be qualified to fill another vacant position, if one is available, and if qualified, the faculty member will be considered for such position, or absent that, the reason not to reappoint will be clearly stated in a report not to reappoint, which will be available to the not-reappointed faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s performance.

6. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Third Paragraph
Fifth Bullet Item
“If the Director’s determination is contrary to the review committee’s recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director’s determination is finalized.”

Recommendation
This is a good idea, but consider that an explicit procedure be established whereby the committee could solicit additional information, including query of the candidate for reappointment, to bolster, amplify, or merely restate its original recommendation, as it seems unreasonable to expect the committee to alter its original recommendation absent new information.

7. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Fourth Paragraph
Second Bullet Item
page 5

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

It appears that the intended statement of the academic criteria is: Appendix B, Performance Reviews.

Recommendation
If Appendix B is the intended statement, add a reference to it in the second bullet item:

“a statement of the academic criteria in the areas of teaching, program development, research and scholarship, and service that will guide the committee’s evaluation (Appendix B);”, or ,if it is not the intended statement, consider including in this document the intended statement to make it easily accessible.

8. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Final Paragraph
Page 5

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

**Recommendation**
As indicated previously (#4), consider specifying the purpose of this annual activity report. Will it be reviewed annually? Who, or what committee will review it? If an annual review occurs, specify that the FTNTT/CF member will receive written and oral feedback from the review as it may relate to his or her prospects for reappointment, or critiques, or suggestions for improvement, if there are such.

9. **III. Titles and Terms of Employment**
   **Hiring, Reappointment, and Promotion**
   **C. Reappointment on One-Year Full-Time Contracts.**

   **First Paragraph**
   **First Sentence**

   “CUSP Deputy Directors should conduct a performance review of and provide feedback to each FTNIT/CF member reporting to them. FTNTT/CF may be reappointed to a series of one-year full-time contracts.

   **Recommendation 1**
   Replace “should” with “shall”, as “should” implies optional, non-standardized practice across different CUSP academic units headed by different Deputy Directors.

   **Recommendation 2**
   Specify when during the one-year contract this performance review shall occur and consider specifying a standardized procedure for the performance review and, as indicated above (#4 and #8), that the faculty member will receive written and oral feedback with an assessment of the potential for contract renewal, areas of strength, and areas of weakness that require improvement for continued contract renewal.

10. **III. Titles and Terms of Employment**
    **Hiring, Reappointment, and Promotion**
    **C. Reappointment on One-Year Full-Time Contracts.**

    **First Paragraph**
    **Third Sentence**

    “As is the case in 3-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.”

    **Recommendation**
    Add the stipulation that if the reason not to reappoint is due to a curricular, structural or financial change, an attempt will be made to determine whether the not-reappointed faculty member would be qualified to fill another vacant position if one is available, and if qualified the faculty member will be considered for such position, or absent that, the reason not to reappoint
will be clearly stated in a report not to reappoint, which will be available to the not-reappointed faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s performance.

11. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.
Second Paragraph
First Sentence
Page 5

“In the first semester of the third year of continuous appointments, a FTNTT/CF member shall be subject to formal review comparable to those to which faculty members on 3-year contracts are subject.”

Recommendation
In keeping with the spirit of the proviso of the
NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT
FACULTY APPOINTMENTS
IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT
Excellence in Faculty Appointments
Hiring Plan and Process
a. Duration of Contracts:

“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 are programmatically and academically desirable in a number of schools and academic programs within schools, and can be justified accordingly.”

Consider specifying that if a FTNTT/CF member appointed on successive one-year contracts successfully completes the three-year review, he or she may be eligible for a three-year contract.

12. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.
Second Paragraph
Task
Fifth Bullet Item
Second and Third Sentences
Page 5

“If the Director's determination is contrary to the review committee’s recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director's determination is finalized.”
**Recommendation**
This is a good idea, but consider that an explicit procedure be established whereby the committee could solicit additional information, including query of the candidate, to bolster, amplify, or merely restate its original recommendation, as it seems unreasonable to expect the committee to alter its original recommendation absent new information.

**Minor Editorial Recommendations**

1. Appendix A is missing. Should Appendix B be Appendix A, and should Appendix C be Appendix B?

2. III. Titles and Terms of Employment
   *B. Terms of Employment*
   First Sentence After Bullet List
   Page 3
   “In accordance with University Bylaw 87(b), Contracts and Titles, the appointment of FTNTT/CF automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.”

   **Recommendation**
   To be consistent with the terminology used in the University Bylaws, change “Bylaw 87(b)” to “University Bylaws, Section 87(b)”.

3. III. Titles and Terms of Employment
   *D. Participation in CUSP’s Governance*
   Page 4
   “In accordance with Bylaw 82(c), Faculty Membership, College and School Governance, the FTNTI/CF of CUSP may hold their own faculty meetings and may participate in joint meetings with CUSP’s tenured/tenure track faculty, whose primary appointments reside in an NYU school or college.”

   **Recommendation**
   To be consistent with the terminology used in the University Bylaws, change “Bylaw 82(c)” to “University Bylaws, Section 82(c)”.

4. III. Titles and Terms of Employment
   Hiring, Reappointment, and Promotion
   First Paragraph
   Second Sentence
   Page 4
“Thus, each FTNTI/CF appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of CUSP including its educational and research programs, and shall exemplify the university’s commitment to appoint and retain the best faculty in all disciplines.”

**Recommendation**
Add a “,” after “CUSP”

5. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
   **B. Reappointment for Three-Year Contracts.**
   First Paragraph
   Second Sentence
   Page 4

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

**Recommendation**
Replace “insuring” with “ensuring”

6. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
   **B. Reappointment for Three-Year Contracts.**
   Second Paragraph
   Third Sentence
   Page 4

“In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.”

**Recommendation**
Replace both instances of “to not reappoint” with “not to reappoint” so as not to split the infinitive.

7. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
   **B. Reappointment for Three-Year Contracts.**
   Third Paragraph
   Page 4

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

8. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Sixth (last) Paragraph
page 5

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

Recommendation
Remove either “will” or “shall” from “... which will shall be provided ...”

9. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
D. Eligibility for Rank and Promotion.
Page 6

Recommendation
Insert “Clinical” before all instances of “Assistant”, “Associate”, “full Professor”. Capitalize “full” before “Professor”.

Recommendations Of
The Tenured/Tenure Track Faculty Senators Council In Regard To:

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

Background

From the Provost’s letter to C-FSC and T-FSC:

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

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

Substantive Recommendations:

1. I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty
   A. Teaching
      First Paragraph

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

   Recommendation
   Consider specifying when “administrative and professional duties and other professional activities that serve the university or ISAW” may substitute for one or more courses. “ As this may be difficult to define precisely, it could be defined in terms of “greater than requiring x% of full-time employment”,

2. I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty:
   C. Professional Activity
      First Paragraph
      First Sentence
      Page 2
“ISAW FT-NTT/CF are generally practitioners and/or experts in their fields, and it is expected that they will demonstrate continuing intellectual and scholarly engagement in their fields or continuing practice at a high level, as appropriate to the area of the appointment.”

**Recommendation**
Consider deleting “at a high level”, as it is an ill-defined term open to subjective interpretation.

3. **II. Appointment of Clinical Faculty**
   **A. Criteria**
   Second Paragraph
   Page 3

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

   **Recommendation**
   Consider replacing “role in” with “qualifications with respect to”, as a more appropriate descriptive in the context of “the university's commitment to appoint and retain the best faculty in all disciplines”.

4. **II. Appointment of Clinical Faculty**
   **C. Terms of Appointment**
   First Bullet Item
   Page 3–4

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

   **Recommendation**
   In keeping with the spirit of the proviso of the
   NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS
   IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT
   Excellence in Faculty Appointments
   Hiring Plan and Process
   a. Duration of Contracts:

   “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 are programmatic and academically desirable in a number of schools and
academic programs within schools, and can be justified accordingly."

Consider specifying that if a FTNTT/CF member appointed on successive one-year contracts successfully completes the three-year review, he or she may be eligible for a three-year contract.

5. II. Appointment of Clinical Faculty
   C. Terms of Appointment
   Specific terms are:
   Second Bullet Item
   Page 4

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

   As the third bullet item indicates that Clinical Associate Professors may have five-year appointments, and as the language of the second bullet item refers to promotion apart from reappointment of Clinical Assistant Professors and Clinical Associate Professors only on a three-year appointment schedule, the language of the second bullet item cannot accommodate a promotion of Clinical Associate Professors on a five-year appointment schedule.

   Recommendation
   Disengage the promotion schedule for Clinical Associate Professors from that for Clinical Assistant Professors and add new language that specifies the promotion schedule for Clinical Associate Professors based on a five-year appointment.

6. III. Review and Reappointment of Clinical Faculty
   First Paragraph
   Third Sentence
   Page 4

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

   Recommendation 1
   Consider specifying that for a faculty member whose position is to be eliminated at the end of his or her contract, if another position is vacant, the faculty member, if he or she so desires, will be evaluated as to his or her qualifications to fill that position, and if qualified, will be considered to fill that position.

   Recommendation 2
   Add the stipulation that if the reason not to reappoint is due to curricular and structural
changes and improvements in academic programs, that reason will be clearly stated in the report not to reappoint, which will be available to the not-reappointed clinical faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s performance.

7. III. Review and Reappointment of Clinical Faculty
   A. The Review Committee
   Third Paragraph
   Final Sentence
   Page 5

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

   Recommendation 1
   Specify that the vote of the committee shall be by closed ballot.

   Recommendation 2
   The adjective “successful” modifies review in this sentence. The review may be “successful” but the vote of the committee may be not to reappoint.

   Re-write the sentence as:
   “A majority closed ballot vote of the review committee in favor of reappointment shall be required for a recommendation to reappoint.”

   Recommendation 3
   Consider adding: “Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote.”

8. III. Review and Reappointment of Clinical Faculty
   A. The Review Committee
   Fourth Paragraph
   First Sentence
   Page 5

   “The full faculty reviews the report of the review committee and votes whether to recommend reappointment.”

   Recommendation 1
   Specify that the vote of the full faculty shall be by closed ballot.

   “The full faculty reviews the report of the review committee and votes by closed ballot whether to recommend reappointment.”
Recommendation 2
Consider adding: “Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote.”

9. IV. Promotion of Clinical Faculty
A. Review Committee:
Page 6

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

Recommendation 1
For consistency, indicate how the chair of the Review Committee for promotion to Clinical Associate Professor is chosen and how the other members of the Review Committee for promotion to Clinical (Full) Professor are chosen, e.g., {appointed by the Director, elected by the faculty, etc.}.

Recommendation 2
As ISAW “... has at present only one clinical faculty member, and there are no present plans to make further such appointments” – from the Provost’s transmittal letter – either clarify from what group the two faculty who hold the rank of Clinical (Full) Professor will be chosen, or consider removing the stipulation that two Clinical (Full) Professors will sit on the Review Committee for Promotion to Clinical Associate Professor.

10. IV. Promotion of Clinical Faculty
D. Materials
Fifth Paragraph
Second Sentence
Page 8

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

Recommendation 1
Stipulate that the vote is by closed ballot.

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

Recommendation 2
Consider adding: “Re-voting shall not be undertaken for the sole purpose of achieving near consensus or unanimity or to avoid reporting a split vote.”
Minor editorial issues

1.  I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty:
   C. Professional Activity
   First Paragraph
   Second Sentence
   Page 2

   “In support of professional, scholarly, and creative work, each faculty member draws upon an individual Research Account (currently at $5000) p.a.).”

   **Recommendation**
   Delete the first “)”.

   In support of professional, scholarly, and creative work, each faculty member draws upon an individual Research Account (currently at $5000) p.a.).

2.  I. Appointment of Clinical Faculty
   B. Titles
   2. Clinical Associate Professor of (varies)
   Second Sentence
   Page 3

   “In addition, they may have produced relevant professional scholarly, creative work, or performance of a nationally or internationally recognized level.”

   **Recommendation**
   Replace “of” with “at”.

3.  III. Review and Reappointment of Clinical Faculty
   A. The Review Committee
   Second Paragraph
   Page 4

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

   **Recommendation**
   Replace “..” at the end of the sentence with “.”

4.  III. Review and Reappointment of Clinical Faculty
   A. The Review Committee
   Fourth Paragraph
   Third Sentence
   Page 5
“The Director will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding appointment, and will meet with the candidate to discuss the committee’s evaluation, as well as his or her own assessment and continuing programmatic need for the appointment.”

Recommendation
In two instances, “appointment” should be “reappointment”

“The Director will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding reappointment, 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 reappointment.”
Recommendations Of
The Tenured/Tenure Track Faculty Senators Council In Regard To:

NYU SCHOOL OF LAW
POLICY ON
CONTINUING CONTRACT FACULTY APPOINTMENTS

Background

From the Law School Dean’s transmittal letter to the Provost:

“The Law School’s policy (the “Policy”) was drafted by my office, in close consultation with Vice Dean Randy Hertz, who oversees our clinical program. At each step, we consulted both your office and Vice Dean Hertz. Once we were satisfied with the Policy’s language, the Policy was provided to our clinical faculty (some of whom are CCF), and I attended a meeting of our clinical faculty specifically to discuss the Policy and answer any questions. The Policy was then distributed to our voting faculty (including our Continuing Contract Faculty) and placed on the agenda for our October 7, 2015 faculty meeting. At that meeting, the faculty engaged in a substantive discussion of the draft policy, focusing on questions concerning consistency of the Law School’s Policy with University policy and the involvement of CCF in faculty governance (particularly voting rights of CCF and faculty meeting attendance by CCF). After some further revision of the Policy’s language in light of the faculty discussion, the Policy was approved unanimously by our voting faculty—including the Continuing Contract Faculty who were in attendance at the faculty meeting—on November 11, 2015.”

Substantive Recommendations:

1. II. Responsibilities of CCF
   First paragraph
   Final Bullet Item
   Page 2

   “Carry a full teaching load. This usually means teaching 10-11 credits per academic year and possibly also supervising a reasonable number of student writing projects, as well as being reasonably available to students as an advisor and resource”

   “Reasonable” is a subjective term open to several interpretations.

   Recommendation
   Consider defining the meaning of “reasonable” and “reasonably”. As it may be difficult, or not possible, to establish definitive definitions, “reasonable” and “reasonably” could be defined in terms of “not more than ...” or “not more than requiring x% of full-time employment”, beyond which they would be considered “unreasonable”.

2. III. Appointment & Reappointment of CCF
   c. Criteria for Reappointment

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

Recommendation
Specify explicitly that for a contract faculty member who satisfies the appropriate standards of achievement, but for whom the decision to reappoint or promote is impacted by curricular and structural changes and improvements in academic programs and which impact abrogates reappointment or promotion, an attempt will be made to determine whether the not-reappointed or not-promoted contract faculty member would be qualified to fill another vacant position, if one were available, and if qualified, the faculty member will be considered for such position, or absent that, the reason not to reappoint or not to promote will be clearly stated in a report not to reappoint, which will be available to the not-reappointed or not-promoted faculty member, so as to eliminate any possibility that the decision not to reappoint or not to promote could be interpreted as due to the failure of the faculty member’s performance.

3. III. Appointment & Reappointment of CCF
d. Procedures for Appointment & Reappointment

“To handle all new CCF appointments, and reappointments other than those of clinical professors, the Law School is creating a new committee called the Contract Faculty Personnel Committee (“CFPC”).”

Recommendation 1
As it is easy to confuse the term “clinical professors” with “clinical full professors”, particularly because the term “clinical professor” is used in section III Appointment & Reappointment of CCF, a. Titles, page 2 to mean “clinical full professor”, replace “professors” with “faculty” or add after “professors” “of all ranks” to clearly define the meaning of “professors” in this context.

Recommendation 2
Specify how the members of the CFPC will be chosen, e.g., by administration (Dean) appointment either with or without consultation of the faculty, election by the faculty?

Recommendation 3
Specify the number of T/TT faculty members and CCF members that, together, the CFPC will comprise.
“For three-year contracts, the Contract Faculty Personnel Committee will conduct a review for reappointment to the same or higher title in the spring of the second year. The Committee will review CCF with five-year contracts for reappointment in the spring of the fourth year of the term.”

As stated in
III. Appointment & Reappointment of CCF
a. Titles
First Paragraph
Final Sentence
Page 2-3

“On a going forward basis, a two-three- or five-year term will be standard for faculty in both clinical and practice titles; these terms of appointment typically correspond to rank.”

The question arises as to when the Contract Faculty Personnel Committee will conduct a review for reappointment to the same or higher title for CCF with contracts of two years duration.

Recommendation
Add language to indicate the time at which the Contract Faculty Personnel Committee will conduct a review for reappointment to the same or higher title for CCF with contracts of two years duration.

5. III. Appointment & Reappointment of CCF
d. Procedures for Appointment & Reappointment
Second Paragraph
Final Sentence
Page 3

“At the request of a single member of the Committee, the Committee may also undertake a mid-contract review in the second year of the contract term.”

Recommendation
Substitute for clarity, “a three-year or five-year contract term” for “the contract term”, on the premise that such a mid-term review in the second year cannot occur when the contract is only two years long, as the second year would be the final year of the contract.

6. IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF
Third Paragraph
Page 5

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

**Recommendation**
As the composition of the Executive Committee is not defined in this policy, we recommend that for the purpose of hearing grievances brought by CCF members it comply with the specifications for school grievance committees as stated in:

UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS

V. GRIEVANCES RELATED TO REAPPOINTMENT AND PROMOTION OF FTNTT/CF
d. The School Grievance Process
Second Paragraph

“If a faculty member’s grievance is not settled informally at the level below the dean, or by the dean himself or herself, the faculty member may appeal to the dean to convolve the grievance committee of the school or faculty. Each school or faculty shall designate a faculty committee to hear grievances in order to advise the dean. Unless otherwise authorized in the school’s policy and approved by the Provost, each school shall either establish a new standing faculty committee for FTNTT/CF grievances, which will include senior FTNTT/CF 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 FTNTT/CF who shall participate in hearing and evaluating only those grievances that are filed by FTNTT/CF. The faculty grievance committee(s) shall not include departmental chairpersons or department heads or any faculty member whose primary assignment is administrative.”

**Minor editorial issues:**

1. **II Responsibilities of CCF**
   First Paragraph
   Fifth Bullet Item
   Page 2

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

   **Recommendation**
   Replace “CLE” with “Continuing Legal Education”

2. **III. Appointment & Reappointment of CCF**
   d. **Procedures for Appointment & Reappointment**
Contracts Concerning Appointment and Reappointment
First Paragraph
Page 4

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

Recommendation
Substitute “each” for “all; substitute “his or her” for “their”; add “,” before “which”; substitute “and will include” for “that includes”

“At the time of his or her initial appointment, each CCF, regardless of the length of his or her appointment, will be provided with a written letter agreement, which is to be signed by both parties and will include the following information:"

3. III. Appointment & Reappointment of CCF
d. Procedures for Appointment & Reappointment
Contracts Concerning Appointment and Reappointment
Second Paragraph
First Sentence
Page 4

“Use of contracts with one-year terms generally will be used only to fill unexpected vacancies on an emergency basis.”

Recommendation
Remove “Use of” and begin the sentence with “Contracts”

“Contracts with one-year terms generally will be used only to fill unexpected vacancies on an emergency basis.”

4. IV. Grievance Rights and Procedures Related to Reappointment and Promotion of CCF
First paragraph
Fourth Sentence
Page 5

“A school’s decision to not undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.”

Recommendation
Substitute “not to” for “to not” so as not to split the infinitive.
T-FACULTY SENATORS COUNCIL

The T-Faculty Senators Council (T-FSC) meets monthly during the academic year on the following Thursdays from 12:00-2:00 pm in Room 566 (Colloquium Room) of the Global Center for Academic and Spiritual Life at 238 Thompson Street, unless otherwise noted.

Thursday, September 15, 2016
Thursday, October 13, 2016
Thursday, November 3, 2016
Thursday, December 15, 2016

Thursday, January 26, 2017
Thursday, February 23, 2017
Thursday, March 23, 2017
Thursday, April 13, 2017
Thursday, May 4, 2017

UNIVERSITY SENATE

The University Senate meets monthly during the academic year on the following Thursdays from 9:00-11:00 am in Room 566 (Colloquium Room) of the Global Center for Academic and Spiritual Life at 238 Thompson Street.

Thursday, October 6, 2016
Thursday, November 10, 2016
Thursday, December 8, 2016

Thursday, February 16, 2017
Thursday, March 30, 2017
Thursday, April 27, 2017
GALLATIN SCHOOL CLINICAL FACULTY: POLICY AND PRACTICE

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

General Definitions:

The Gallatin Reappointment, Promotion and Tenure Committee is elected by the faculty of the Gallatin School, and is comprised of six faculty at the rank of associate professor (including one clinical associate professor). Committee members serve for a term of two years, and one-half the members are elected each year. The committee is described in Gallatin’s Tenure and Promotion Guidelines. Members of this committee who are Clinical Associate Professors do not vote on awarding of tenure or on promotion within the T/TT faculty, but provide an advisory function. Clinical Associate Professors on the Committee vote on cases involving reappointment of Clinical Assistant Professors and on cases of promotion to Clinical Associate Professor.

The Senior Promotion and Tenure Committee is comprised of all faculty at the rank of full professor.¹

The Executive Committee is the primary governance committee of the Gallatin School. It is composed of (as described in Gallatin’s faculty-approved document on Governance) the Dean; the Associate Dean for Faculty and Academic Affairs; four elected faculty representatives (the Chair of the Curriculum Committee; the Chair of the Advisement and Policy Committee; a senior faculty at-large representative and a junior faculty at-large representative²); and faculty holding administrative and leadership positions in the school (the faculty director of the Writing Program; the faculty director of the Interdisciplinary Arts Program; the Director of the Interdisciplinary Seminars on the Curriculum Committee).

Senior Faculty are faculty at the rank of associate and full professor, including Clinical Associate and Full Professors and Tenured Associate and Full Professors.

Junior Faculty are faculty at the rank of assistant professor, including tenure-track and Clinical Assistant Professors.

All reference to expectations for teaching, advising and service is to the definitions and descriptions of Gallatin’s high standards as specified in Gallatin’s Promotion and Tenure

¹ We have slightly modified this practice as described in the approved Promotion and Tenure Document because at the time that document was written, there were not enough full professors to constitute a committee. We believe this practice is consonant with the spirit of that document which also required a vote of the full professors.

² We have through faculty vote slightly amended the membership of the Executive Committee to include the junior faculty member at-large position which is not included in the approved governance document.
Guidelines. These Guidelines also indicate how materials are to be presented. Clinical faculty in the Gallatin School are expected to meet similarly high expectations appropriate to rank.

I. Definition of the Clinical Faculty in the Gallatin School

Clinical faculty in the Gallatin School play an important and highly valued role in the teaching, advising and co-curricular missions of the School, and bring to the School and its students their professional and/or scholarly knowledge and training. At Gallatin, clinical faculty may be practitioners in a field of the arts or professions—for instance, architects, lawyers, theater directors or artists—and they may also be scholars with strong academic credentials, training and scholarship. At Gallatin, clinical faculty are hired for both their teaching abilities and their professional, academic, scholarly or creative accomplishments. Without the clinical faculty, many areas of professional expertise as well as scholarly and creative fields would be thinly represented in the School, if at all. The contributions made by the clinical faculty are therefore crucial to the School’s academic mission.

To recognize the range of qualifications and experiences that lead to the appointment as a member of the clinical faculty, this document makes a distinction between the criteria used for appointment or reappointment at the rank of Clinical Assistant Professor, and the criteria for promotion or initial appointment at the rank of Clinical Associate Professor or above.

The requirements for reappointment of Clinical Assistant Professors as described below depend on evidence of excellence in teaching, advising, service and citizenship. While scholarship or practice in the arts or professional fields is highly valued, it is not required for reappointment. While it is important to recognize that such achievement is not required, many members of the clinical faculty achieve distinction and recognition for their work as scholars, artists or practitioners, and this achievement is highly valued by the School. We make an important distinction between what is a formal requirement for reappointment of contract as a Clinical Assistant Professor, and the quality of the artistic, professional or scholarly achievement of the clinical faculty member.

For promotion to Clinical Associate Professor, excellence in scholarship or research in an academic field and/or continuing accomplishment in a field of the arts or a profession, in addition to excellence in teaching, advising, and service, is required.

Full-time faculty positions at Gallatin often include some administrative role in directing and coordinating important initiatives for the School. Teaching assignments depend on the degree of administrative or co-curricular work undertaken by the clinical faculty member. With the approval of the Dean, supplementary administrative duties may substitute for a course. Typically Clinical Assistant Professors have a 3/2 course schedule per year, Clinical Associate and full Professors typically have a 2/2 course load per year. Clinical faculty may perform an administrative, advising, or co-curricular role for the School in the place of one course. When administrative appointments form a significant part of a clinical faculty member’s appointment, their contracts may incorporate different teaching and advising responsibilities.
At Gallatin academic advising is a component of teaching. Indeed, we formally understand the advising responsibilities of Gallatin faculty to be the functional equivalent of a course. Clinical faculty, like all Gallatin full-time faculty, are expected to take on a full advising responsibility, normally 20-25 advisees per faculty member.

For criteria for promotion to Clinical Full Professor, see Section IV, paragraph 4 below.

II. Search and Hiring Procedures

Prior authorization for clinical faculty searches is solicited by the Dean from the Provost in the annual academic planning documents. The rank of the faculty member to be sought is determined through the annual faculty staffing process, discussed and voted on by the faculty, and approved by the Dean, and proposed to and approved by the Provost. Following the usual Gallatin procedures in faculty hiring, the search committee is appointed by the Dean in consultation with the Executive Committee. The search committee, in consultation with the Dean, identifies and invites finalists to campus for job talks and meetings with the faculty. The faculty present finalist candidates to the Dean, and the Dean selects the candidate from among the finalists.

III. Terms of Appointment

Clinical faculty members are appointed for multiple-year contracts, and these contracts, following successful reviews, can be renewed without limit. It is important that the qualifications and performance of the clinical faculty member be evaluated regularly as part of the appointment and reappointment process. Clinical faculty members, like all Gallatin full-time faculty, are required to present an annual report of activities and accomplishments to the Dean.

Reappointment procedures begin in the penultimate year of the contract (thus in the second year for Clinical Assistant Professors, and the fourth year for Clinical Associate Professors).

At Gallatin, clinical faculty are appointed and renewed according to the following calendar:

Clinical Assistant Professors: First appointment for three years, after the first appointment, reappointments are for three years.

Clinical Associate Professors: First appointments are for five years; after the first appointment, reappointments are for six years.

Clinical Full Professors: Appointments are for six years.

Leaves and Resources

Clinical faculty are eligible to apply for partial leave through such programs as Gallatin Research Professor initiative, which provides course releases for active scholars, artists or practitioners, or other NYU fellowships, where program guidelines permit. Clinical Associate Professors are eligible for a sabbatical leave upon promotion, assuming the individual has at least six years of
full-time service at NYU. (A clinical faculty member who has taught full-time elsewhere for a number of years without a leave may be offered a different initial opportunity for a leave.) Clinical Associate Professors and full Professors are eligible for subsequent sabbatical leaves according to the normal sabbatical schedule upon application and with evidence of continued artistic, professional or scholarly productivity. Faculty on sabbatical leave are released from teaching but are not released from all advising duties.

Clinical faculty members have the same access to school resources to support research, professional or creative projects as do all Gallatin full-time faculty. They receive the same base research funds, and they also are eligible to apply for additional funds within the school, as for instance from the Faculty Enrichment Fund and other faculty-specific grants.

IV. Policy and Practices for Reappointment and Promotion

As stated in the NYU University Guidelines for FTNTT/CF appointments, non-reappointment can occur for curricular and structural changes in academic programs that fundamentally alter the nature of an existing full-time teaching assignment. In this event, the reviews would focus, in addition to the reviews for quality and excellence described below, 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.

1. Reappointment without promotion, Clinical Assistant Professor

Upon being considered for reappointment, the Clinical Assistant Professor will submit a portfolio to the Dean comprised of a copy of his or her CV, four essays describing and reflecting upon his or her teaching, advising, service and scholarly and/or creative work, and an appendix including copies or documentation of scholarly and/or creative work, as well as syllabi from courses and any other material the candidate wishes to include. To this material the Dean’s office will attach teaching evaluations and observations, and advising evaluations. The complete portfolio will be sent to the Gallatin Reappointment, Promotion and Tenure Committee for review.

The review for Clinical Assistant Professor should focus on teaching, advising and service. While scholarly and creative work is encouraged and supported, it is not a necessary criterion for a successful review. The candidate will not be renewed if the standards of excellence required at Gallatin in teaching, advising and service as laid out in the School’s Promotion and Tenure Guidelines are not met.

The goal of the review is two-fold. It should be a review of the candidate’s performance to determine if a reappointment is warranted, but it is also an opportunity to offer constructive advice to the candidate. In particular, the review preceding the review for promotion to Clinical Associate Professor should draw the candidate’s attention to any areas that need to be addressed for a successful promotion.

The Reappointment, Promotion and Tenure Committee’s report should be brief and succinct, and will be forwarded to the Dean.
If the Dean accepts the recommendation of the Reappointment, Promotion and Tenure Committee, he or she will then notify the clinical faculty member that the contract will be renewed. If the Dean does not accept the recommendation, the Dean will notify the clinical faculty member that the contract will not be renewed.

2. Promotion to Clinical Associate Professor

When a Clinical Assistant Professor wishes, but normally after 6 years, he or she may request at the time of reappointment to be considered for promotion to Clinical Associate Professor. The candidate will then submit a portfolio to the Dean comprised of a copy of his or her CV, three essays describing and reflecting upon his/her teaching, advising and service, and a more detailed account of his or her scholarly and/or creative work or practice. The candidate will also present copies of or documentation of all scholarly and/or creative work or practice undertaken since employment at Gallatin, as well as syllabi from courses and any other material the candidate wishes to include.

The Dean’s office will collect and include teaching evaluations and observations, and advising evaluations, but also solicit letters from students and colleagues attesting to the candidate’s teaching, advising, and service.

The complete portfolio will be submitted to the Promotion and Tenure Committee, and subjected to a similar but more extensive review and report as was undertaken for the Clinical Assistant Professor reappointments.

The promotion to Clinical Associate Professor, which is a promotion to the senior faculty, is to be judged on the basis of excellence in teaching, advising and service and significant achievement in scholarship, creative work or practice.

The report of the Reappointment, Promotion and Tenure Committee will be forwarded to the Dean who will then bring it before the entire Senior Faculty for a vote. The Promotion and Tenure Committee report and the faculty vote are advisory to the Dean, who will make the final decision about whether to approve a promotion or not. The Dean will then either accept the recommendation for promotion or will notify the clinical faculty member that the promotion has not been approved.

3. Reappointment to the rank of Clinical Associate Professor

Appointment at the rank of Clinical Associate Professor or promotion to Clinical Associate Professor requires at least six years of relevant teaching and professional experience, superior contributions as a teacher, adviser and leader, as well as recognition for excellence in the faculty member’s professional, artistic or scholarly field.

All reviews after promotion to Clinical Associate Professor will be handled by the Dean’s office, with the Dean’s recommendation presented to and voted upon by the Tenured and Clinical Full Professors. A decanal committee normally consisting of the Dean, the Associate Dean for
Faculty, and one full professor appointed by the Dean will review the candidate’s teaching, advising and service as well as their scholarly, creative or practical work done since the last contract. The candidate will not be renewed if the standards of excellence required at Gallatin in teaching, advising and service are not met, but in addition the faculty member’s performance in his or her field of scholarly, creative or practical work will need to meet the high standards required at the time of promotion or appointment. The candidate will need to demonstrate continuing excellence in these fields.

The Dean makes the final decision about reappointment, based on the deliberations of the Committee so constituted, and the faculty vote, and will notify the candidate of the reappointment or non-reappointment.

4. Appointment and Promotion to Clinical Professor

The award of the position of Clinical Full Professor at Gallatin is recognition of exceptional achievement in teaching, advising and service, and in the faculty member’s scholarly or creative work, or practice. Like the promotion to tenured full professor, it implies that the faculty member has achieved national recognition for his or her work, and requires evidence of superior accomplishment in research, scholarship, or artistic or professional practice. Appointments made at the rank of Clinical Professor normally require a minimum of twelve years of teaching and related professional experience.

The review for promotion to the position of Clinical Professor, to be undertaken by the Senior Promotion and Tenure Committee, will focus on teaching, advising and service, and on the faculty member’s scholarly or creative work, or practice. The faculty member’s teaching, advising and service must be demonstrated to have been performed with excellence in the period since the faculty member was appointed Clinical Associate Professor, and to have continued to meet Gallatin’s high standards. The faculty member must also demonstrate excellent accomplishment in scholarly, creative work or practice in his or her career and in the years since he or she was appointed Clinical Associate Professor. Evidence of scholarly or artistic achievement of distinction, and evidence of national recognition for that work, as reflected in outside letters of assessment, will be sought by the Senior Promotion and Tenure committee.

The faculty member seeking to be appointed as Clinical Professor must demonstrate continuing excellence in all the categories of teaching, advising, service and professional practice, scholarship or creative work.

The Senior Promotion and Tenure Committee report will be presented to the Full Professors (including Tenured and Clinical) for a review and vote. The recommendation of the Senior Promotion and Tenure Committee and the faculty vote are advisory to the Dean, who will make the final decision, and notify the candidate.

5. Grievance and Appeals Related to Reappointment and Promotion

The Gallatin School follows the grievance and appeal process for grievances related to reappointment and promotion as set forth in the NYU Guidelines For Full Time Non-Tenure
Track/Contract Faculty Appointments, revised and posted in March 2015, found here [http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/GuidelinesFinal020915.pdf]. The Guidelines require that the grievance committee include at least one senior full-time contract faculty member who shall participate in hearing and evaluating only those grievances that are filed by clinical faculty members. At Gallatin, the Grievance Committee, which shall be assembled by the Executive Committee, shall be constituted of at least three full-time Senior Faculty members. In the case of a grievance by a Clinical Assistant Professor, at least one of the members shall be a Clinical Associate Professor. In the case of a grievance by a Clinical Associate Professor, the Grievance Committee shall consist of three tenured faculty members.

V. GOVERNANCE

Clinical faculty are eligible to participate as equal partners in the governance of the school. They can be elected to positions of leadership as appropriate, and they participate in governance along with the tenure-track faculty, and vote in all decisions made by the faculty with the exception of tenure decisions.
MEMORANDUM TO THE PROVOST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Task</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of Professional Activities Form</td>
<td>Mid-February</td>
</tr>
<tr>
<td>FTNTT/CF submits form to cognizant Deputy Director</td>
<td>Mid-March</td>
</tr>
<tr>
<td>Review Committee Report sent to cognizant Deputy Director</td>
<td>Mid-April</td>
</tr>
</tbody>
</table>
Cognizant Deputy Director submits Reappointment Recommendation to Director

- Director makes determination regarding reappointment. If the Director’s determination is contrary to the review committee’s recommendation, the Director will provide the committee with the reasons for the determination. The committee will then have 10 days to provide additional input before Director’s determination is finalized.
- Last day to provide written notice to FTNTT/CF

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

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

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

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

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

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

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

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

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

IV. Grievance Procedure

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

V. University Policies

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

Appendix B
Performance Reviews

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

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

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

Suggested Activities to be Included in the Review Process

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

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

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

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

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

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

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

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

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

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

D. Summary of basic arguments substantiating recommendation for reappointment, including a statement of future potential
Policy for the Review, Reappointment, and Promotion of Full-time Non-Tenure Track/Contract Faculty

in the Institute for the Study of the Ancient World

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

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

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

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

A. Teaching

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

Clinical faculty are also expected to:

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

B. Service and Administration

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

Faculty may:

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

C. Professional Activity

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

ISAW faculty may demonstrate this engagement and practice as follows:

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

D. Annual Activity Reports

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

II. Appointment of Clinical Faculty

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

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

B. Titles

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

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

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

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

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

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

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

C. Terms of Appointments

Clinical faculty may be appointed as follows:

Specific terms are:

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

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

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

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

III. Review and Reappointment of Clinical Faculty

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

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

A. The Review Committee

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

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

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

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

B. Process and Timeline

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

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

C. Materials

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

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

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

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

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

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

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

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

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

IV. Promotion of Clinical Faculty

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

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

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

B. **Timeline:**

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

• Submission of portfolio – on or around January 1

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

• Faculty vote – on or around April 1
C. Criteria for Promotion

1. Criteria for Promotion to Clinical Associate Professor

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

2. Criteria for Promotion to Clinical (Full) Professor

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

D. Materials

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

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

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

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

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

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

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

VI. Process for Grievance for Reappointment/Promotion

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

The Guidelines require that the grievance committee include at least one senior full-time contract faculty member who shall participate in hearing and evaluating only those grievances that are filed by clinical faculty members. At ISAW, the Grievance Committee, which shall be appointed by the Vice Director with the approval of the faculty, shall be constituted of at least three full-time Senior Faculty members. In the case of a grievance by a Clinical Assistant Professor, at least one of the members shall be an Associate Professor or (Full) Professor. In the case of a grievance by a Clinical Associate Professor, the Grievance Committee shall consist of three tenured faculty. At such time as the number of clinical faculty at ISAW permits, at least one member of each grievance committee shall come from the clinical faculty.
The NYU Provost’s Office (the “University”) has issued University Guidelines for Continuing Contract Faculty (“CCF”) Appointments, and directed each school governed by these Guidelines to establish its own policies consistent with the Guidelines. NYU School of Law (the “Law School”) accordingly establishes this policy. If at any point this policy is inconsistent with the Guidelines, the University policy controls. As with all NYU and Law School policies, this Policy is subject to change.

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

I. Definition of Continuing Contract Faculty

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

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

II. Responsibilities of CCF

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

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

• Participate in law school governance, including by attending faculty meetings with tenured/tenure track faculty, and/or, if the CCF so choose, holding their own faculty meetings in accordance with Bylaw 82(c). CCF are represented on appropriate committees, except for those involving tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty.

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

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

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

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

III. Appointment & Reappointment of CCF

a. Titles

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

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

b. Criteria for Appointment

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

c. Criteria for Reappointment

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

d. Procedures for Appointment & Reappointment

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

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

**Contracts Concerning Appointment and Reappointment**

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

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

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

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

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

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

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

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

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

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

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

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

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