MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF SEPTEMBER 15, 2016

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, September 15, 2016 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Amkpa, Cappell, Davila, Duncombe, Economides, Figlewski, Garabedian, Kamer, Lapiner, Ling, Logan, Longuenesse, Merritt, Mincer, Porfiri, Ramey, Shapley, Tranchina, Van Devanter, Watson, Weslake, and Zagzag; Active Alternate Bello; Alternate Senators Kallenbach (for Jamieson), Reiss (for Appiah), Schlick, Seeman (for Uleman), Tannenbaum, and Walters (for Fenton). Former Chairs Al-Askari and Former Member Moskowitz attended as guests.

APPROVAL OF THE MINUTES OF THE MEETING HELD MAY 5, 2016

Upon a motion duly made and seconded, the minutes of the May 5, 2016 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: ALLEN MINCER

University Senate Size

Chairperson Mincer reported the BOT accepted the change to the University Bylaws to increase the size of the University Senate from 127 members to 137 members. The size of T-FSC will increase from 37 members to 38 members.

University Senate Resolution on Fossil Fuel Divestment

See attached Document E: The Board of Trustees’ Response to the University Senate Resolution on Fossil Fuel Divestment

Mincer reported the Board delegated to its Investment Committee the responsibility of examining the resolution and developing a recommendation for the Board. The Committee’s process of review took place over three meetings. The Committee took under consideration the views of many members of the University community, including the views expressed in a letter of engaged faculty members as well as data and other materials presented by the NYU Divest student group. NYU Divest had the opportunity to present its views in person to Committee members in January and to the full Committee in May.

The Board stated they respect the University Senate and its views on this important issue, and therefore carefully studied the arguments that supported the views expressed in the Senate resolution. Notwithstanding this, and the concerns the Board shares about climate change, the Board does not believe divestment is the proper action to take.

The reasoning behind this decision is provided in the message from BOT Chair William Berkley and President Andrew Hamilton, dated 6/16/16. See attached Document E.
Faculty Handbook

Mincer reported, in the discussion regarding changes to the Faculty Handbook, that the introductory statement was also re-visited and revised:

*Old:*

In accordance with the Foreword, Procedures for Amending the Faculty Handbook, this edition of the Faculty Handbook was reviewed by the Tenured/Tenure Track Faculty Senators Council and the Full-Time Continuing Contract Faculty Senators Council, each of which provided input.

*New:*

PUBLISHED BY NEW YORK UNIVERSITY
Effective July 1, 2016

In accordance with the Foreword, Procedures for Amending the Faculty Handbook, and the Principles of Joint Shared Governance, described under Organization and Administration, this edition of the Faculty Handbook was reviewed by the Tenured/Tenure Track Faculty Senators Council and the Full-Time Continuing Contract Faculty Senators Council, each of which provided input.

A Senator asked if the University Administration recognizes the Faculty Handbook as part of a legal contract. Mincer responded it is his understanding that there were at least two rulings which contradicted each other as to whether or not the Faculty Handbook is legally binding.

**Abolish the Box**

Mincer reported the decision discussed at the Senate Executive Committee meeting, which has since been made public, is to continue to use the common application, but include the following additional language:

NYU is committed to treating applicants with a criminal or disciplinary history fairly and with dignity and respect. In keeping with this outlook, NYU will ignore any answers you provided to the earlier questions on the Common Application regarding your criminal and disciplinary history because we believe them to be too broad.

Instead, we would ask that you provide answers to the two, more focused questions below, which we think are more relevant to the issues of campus safety.

NYU is committed to reducing barriers to a second chance through education, and answering "yes" to either of these questions is NOT an automatic bar to admission to NYU. So, we therefore strongly urge you to complete this application. NYU will review the information you provide using our “two-step” approach:

Within the last seven years after the age of 14, have you ever been convicted at trial, or pled guilty to, a criminal offense involving violence, physical force or the threat of physical force, a sexual offense, possession of a weapon, kidnapping, arson or any offense which caused physical harm to another person? You should answer “no” if your conviction has been sealed, expunged, or overturned or if you were arrested but not convicted.

Have you ever been found guilty of a disciplinary violation at your previous high school, college or university for any act involving violence, physical force or the threat of physical force, a sexual
offense, possession of a weapon, kidnapping, arson or any offense which caused physical harm to another person?

If you answer yes to either or both of these questions, please provide NYU's special admissions committee a written explanation about what happened, including details regarding the charges of which you were convicted or found guilty and the punishment you received, including fines, community service, jail, prison, suspension, expulsion etc. The committee is particularly interested in learning more about the process of change you have undergone after these events and what you may have learned from these experiences.

Senators expressed their concerns about this additional language. Senators commented the questions seem more intrusive and defeat the purpose of the original intent to abolish the box. A Senator asked why this language was added instead of just stating that NYU will ignore any answers provided regarding criminal history.

Mincer stated it is his understanding the decision was made because there were concerns about those convicted of violent crimes attending the university.

A Senator commented this may have to do with issues of legal liability for the University.

Mincer suggested if the Council felt strongly about making a statement, this issue could be sent to the Educational Policies & Faculty Student Relations Committee for discussion. The Council agreed by general consensus to send these concerns to the Committee.

**Executive Committee (EC) Meeting with President Hamilton**

President Hamilton discussed various initiatives underway or planned, which he will be discussing in the next weeks. Some of the coming initiatives he outlined include improvements in Brooklyn and the need to strengthen the sciences at NYU. Ellen Schall also discussed some of the many ideas developed in the President’s Affordability initiative. Discussions are now taking place at schools and departments to see how some of these ideas might be implemented.

The EC brought up concerns about academic oversight and the continued academic integration of the various sites within the Global Network University (GNU). There was also discussion on the importance of faculty salaries and benefits within the greater context of affordability.

Finally, the group discussed the week of events planned leading up to President Hamilton’s inauguration. These focus on the academic achievements and ongoing activities at NYU, and are designed to provide an opportunity for the NYU community to learn more about the exciting work being done at the University.

**Retirement Funds**

The T-FSC Housing and Benefits Committee, along with the Continuing Contract Faculty Senators Council (C-FSC) and the Administrative Management Council (AMC) will meet with the University administration regarding the lawsuit and other issues related to management of retirement accounts.

**T-FSC COMMITTEE REPORTS**

**Inclusion, Equity, & Diversity: Co-Chair Arlene Davila**

*Interim report on AY 2015-16 activities*

*See attached Document C: Report*
Senator Davila stated she is representing Former Senator Morning, who co-chaired the Committee last academic year.

The group discussed the purpose of the Committee and developed several charges for the Committee to pursue. First, the Committee recommends that it serve as a liaison to the other University Committees that focus on diversity, which includes the University Task Force and the Faculty of Color Committee. The intention is to communicate, work together, and avoid duplicating efforts. The Committee also recommends crafting language for the Faculty Handbook to include the institutional commitment to inclusion, equity, and diversity. Third, the Committee recommends imposing term limits within the Council to ensure more diversity.

It was noted the President plans to appoint a Diversity position and the Committee will seek to develop a relationship with this Office.

**NEW BUSINESS**

**Finance Committee**

Senators began a discussion on the strength of finances at NYU.

Last year, the Finance & Policy Planning Committee produced a set of questions to ask individual schools regarding finances. The feeling of the Committee is that understanding school finances will help understand overall University finances.

The Committee will also be inquiring about major projects that are planned in the short and long term and will report back to the Council on the specifics of these financial dealings.

**Leftover Food**

An Alternate Senator noted Columbia University has a student app that alerts students whenever there is leftover food from events available. She put forward a proposal for NYU to develop a similar program, which went through all the Councils, and then was referred to the Sustainability Task Force. The Task Force informed her that excess food cannot go to any of the charities that collect food because it must come directly from the kitchen. They also felt it was too difficult to track and provide information on leftover food at events such as this. She suggested if Senators have an interest in pushing the matter further, to contact the Task Force.

**Proposed Resolution regarding Long Island University**

*See attached Document D: Proposed Resolution*

Senator Davila presented the proposed T-FSC resolution developed by Senator Uleman and herself with a proposed amendment, accounting for the agreement reached yesterday. The language of the original resolution is as follows:

> The Tenured/ Tenure Track Faculty Senators Council of New York University supports the faculty of the Brooklyn campus of Long Island University, and deplores the lockout the LIU administration has imposed on them.

With the proposed amendment, the language reads as follows:

> The Tenured/Tenure Track Faculty Senators Council of New York University supports the faculty of the Brooklyn Campus of Long Island University and deplores the unprecedented lockout the LIU administration has used to try to bring concessions from the faculty and supports the faculty
of the Brooklyn campus of Long Island University in its continued negotiations the LIU administration has imposed on them.

She stated this offers support for the continued negotiations and makes a statement about the lockout, which is an unprecedented move for a university. She noted it challenges job security, legitimacy, and issues of faculty governance.

A Senator suggested a joint resolution with the C-FSC on this matter. It was suggested, to avoid a delay, to vote on this issue and then discuss with the C-FSC and perhaps release statements together.

Senators debated the specific language to use in the amended version.

At the conclusion of the discussion, the motion to amend the original resolution was approved by vote of the Council with one abstention. The proposed amendment to the original resolution was approved by vote of the Council and the final resolution reads as follows:

The Tenured/Tenure Track Faculty Senators Council of New York University deplores the lockout by the LIU administration and supports the faculty of the Brooklyn campus of Long Island University and its continued negotiations.

SPECIAL GUEST PRESENTATION

Presentation by Laurence Maslon, Superblock Stewardship Advisory Committee

Chairperson Mincer introduced Larry Maslon, Chair of the Superblock Stewardship Advisory Committee. This committee deals with all aspects of the construction on 181 Mercer Street and also the existing life in the area of the superblocks.

Maslon stated in the aftermath of the University Space Priorities Working Group, one priority was to have an ongoing committee that would deal with issues of stewardship: bridging communication, information, and feedback from the university to residents of the two superblocks.

The Committee examines issues regarding the construction of 181 Mercer Street, including mitigation, oversight, feedback from the university community, timeline, and communication to residents.

The committee is comprised of 13 members, including students, members of the Council, tenants, members of the tenants association, administration members, and members of the construction and design team.

Maslon highlighted issues being examined in the usage of the open space, including contradicting signs, exits and entrances that do not make sense, and multi-use areas that are not useful.

He noted communication is a high priority for the Committee. The University is in the process of hiring a full-time position in the Office of Faculty Housing that would serve to field issues and create communication, activities, and programming in the superblocks.

Maslon reported monitor screens will be placed in the buildings to replace paper announcements and better communicate with tenants.

A Washington Square Village affiliated tenants association will be created. The current Washington Square Village tenant association is largely composed of non-affiliates.

Structural demolition of the Coles building is expected to follow brick removal and abatement, beginning in November and continuing to February.
The Committee is waiting for more concrete plans from the architects and anticipates they will receive in early fall.

There will be the creation of a NYU Open House Space, which is the former blood bank on ground level 2 of Washington Square Village, and will serve as a permanent installation for all information about 181 Mercer.

In terms of the outdoor spaces, the green area behind Bare Burger has been re-landscaped and will be fenced-in and can be reserved for activities such as children’s birthday parties, soccer clinics, etc. The Sasaki Gardens has also been updated and the Key Park will have new fencing and new shrubbery. There is a map being created to list dog-friendly zones. There is also discussion on ensuring signage is clear, complimentary, and non-contradictory.

A Senator asked about the specific architectural plans. Maslon responded he expects these to be communicated this fall. Maslon commented the process has been a thorough review of the user groups’ needs and the architects have come back to the committee at least three times to report on these conversations.

Maslon answered questions regarding the gates in the outdoor spaces, such as the one near Morton Williams. He stated these were requested by tenants who feared for their safety, however, police reports indicate a very low incident of crime in the area.

For more information:
https://www.nyu.edu/about/university-initiatives/space-stewardship.html
https://www.nyu.edu/about/university-initiatives/181-mercer-street.html

**ADJOURNMENT**

The meeting adjourned at 2:00 PM.
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August 29, 2016

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

From: David W. McLaughlin, Provost

Subject: Policy for the Review, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the Institute for the Study of the Ancient World (ISAW)

I write in response to the May 6 memo transmitting the recommendations of the T-FSC and the May 18 memo transmitting the recommendations of the C-FSC with respect to the ISAW policy document that I transmitted for Council comments in December 2015.

As is my practice, I carefully reviewed each recommendation in consideration of the extended, collaborative, and iterative process that culminated in the ISAW document and in consultation with Roger Bagnall, the Director of ISAW. Importantly, I reviewed the Council recommendations with reference to the University Guidelines for Full-Time Continuing Contract Faculty Appointments. These Guidelines provide general principles while leaving academic units the flexibility to develop policies that are consistent with their culture, history, and organization.

In consultation with Professor Bagnall, I determined that the FSC recommendations have for the most part been helpful in clarifying language in the ISAW document, and we appreciate the work that has gone into composing them. The document was amended to incorporate these recommendations. In accordance with the Principles of Joint Shared Governance, I summarize below Dr. Bagnall’s comments about FSC recommendations that were not adopted.

Dr. Bagnall advises me that the revised document was approved by the ISAW faculty polled by email this month, permitting this policy to be finalized by the end of this academic year; nine of ten faculty approved the document, the tenth being unreachable at this time.

I am attaching a redlined and clean copy of the document showing changes made in response to FSC recommendations. I now consider the iterative process to be complete. The ISAW Policy is effective September 1, 2016.

Response to T- FSC Recommendations

Recommendation 6.1: The suggestion that a non-renewed faculty member be considered for other possible positions is not relevant at ISAW given its size. It is not the case that someone not renewed because of a change in ISAW’s needs could then be appointed to another position at ISAW.

Recommendation 7.1: ISAW does not use closed ballot and never has done so. The culture at ISAW is one of open discussion, in which all faculty members set out their views freely.
Recommendation 7.3: The prohibition on repeated balloting is not relevant, since ISAW does not take such votes, and has never even considered doing so.

The response to Recommendations 7.1 and 7.3 are the same for Recommendations 8.1 and 8.2, and Recommendations 10.1 and 10.2.

Recommendation 9.2: This suggestion is unnecessary, because provision is made for membership of (Full) Professors who are not Clinical on the Review Committee for promotion.

**Responses to C-FSC Recommendations**

Recommendation 1: The distinction between T and C faculty appointments is defined in the University Bylaws and Guidelines, and is not required to be repeated. More to the point, it is impossible with a single C-Faculty member to construct an abstract definition of the role of such faculty for ISAW.

Recommendation 3: At present C-faculty at ISAW are not eligible for sabbaticals.

Recommendation 4: Processes for revising and adopting this policy are the same as for all other faculty business and are outlined in ISAW’s Bylaws; because of the small size of ISAW’s faculty all members participate directly in such discussions in a full faculty meeting.

Recommendation 6: This recommendation misinterprets University Guidelines: the justification for one-year appointments for C-Faculty is submitted by the Dean to the Provost.

Recommendation 7: See remarks on T-FSC Recommendation 6.1 above.

Recommendation 8: The recommendation to elect faculty to serve on the Review Committee is contrary to ISAW’s standing practice for the appointment of committees, as set out in its Bylaws, and is not practicable in a very small faculty unit.

Recommendations 9, 15A: See remarks on T-FSC Recommendation 7.1 above.

Recommendation 10B: The existing text and context adequately communicate the role of the Review Committee and then the Faculty.

Recommendation 16: Only an affirmative vote by the faculty, followed by the Director’s decision, suffices for promotion. The review committee’s positive vote is not necessarily followed by promotion.

**Attachments:**

Policy for the Review, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the Institute for the Study of the Ancient World (redlined version and clean final version)

Copy to: Roger Bagnall, Director, ISAW
        Alexander Jones, Interim Director, ISAW (as of September 1, 2016)
        Carol Morrow, Vice Provost
        Peter Gonzalez, Assistant Provost, Faculty Appointments
        Karyn Ridder, Manager of Faculty Governance
Policy for the Review, Reappointment, and Promotion of Full-time Continuing 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 continuing 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 Continuing Contract Faculty:

Full-Time Continuing Contract Faculty (FT-CF) 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-CF is six courses per year. This may be reduced 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, if comparable in time demands to one or more courses, substitute for such 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-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, 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-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. Depending 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 qualifications with respect to 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 or creative work or performance at 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 to the achievements expected of Clinical Associate Professors, 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 reappointment, which may if appropriate be for a three-year term. 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 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. Reviews for promotion from Clinical Associate Professor to Clinical (Full) Professor may take place at any time after the requirements set out in section II.B.3 have been met.

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. In this case, the basis for non-reappointment will be clearly stated in the notice given to the faculty member. 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 recommendation to reappoint.

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 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.

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 regarding promotion also may be based on a prognosis of the clinical faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of ISAW.

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, all appointed by the Director.
B. **Timeline:**

- Preliminary notification by the candidate of application for promotion – on or around October 1;
- Submission of portfolio – on or around January 1;
- Review Committee recommendation to Faculty – on or around March 1;
- Faculty vote – on or around April 1;
- Director’s notification to candidate – on or around May 1.

C. **Criteria for Promotion**

1. **Criteria for Promotion to Clinical Associate Professor**

   A clinical faculty member ordinarily should have spent at least six years at the rank of Clinical Assistant Professor (with up to three years counting from full-time employment at other colleges or universities) to be eligible for promotion to Clinical Associate Professor in ISAW. Promotion to the rank of Clinical Associate Professor requires sustained excellence in teaching and also recognizes the impact of service and administration, and scholarly, artistic, and professional activity. 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 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, scholarly, 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, scholarly research, artistic activity, 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. If there is a division of opinion, the dissenting opinion should be appended to the majority review.

V. Process for Grievance for Reappointment/Promotion and for Discipline

ISAW follows the grievance and appeal process for grievances and the process for discipline as set forth in the NYU Guidelines For Full Time Continuing Contract Faculty Appointments, revised and posted as of July 1, 2016, found here [http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/6.24.16CCFGuidelinesforweb.pdf]. The Guidelines require that the grievance committee include at least one senior full-time continuing 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.
Policy for the Review, Reappointment, and Promotion of Full-time Continuing 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 continuing 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 Continuing Contract Faculty:

A. Teaching

The standard teaching load for all FT-CF is six courses per year. This may be reduced 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, if comparable in time demands to one or more courses, substitute for such 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-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, 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-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. Depending 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 qualifications with respect to, 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 or creative work or performance at 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 to the achievements expected of Clinical Associate Professors, 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 reappointment, which may if appropriate be for a three-year term. 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 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. Reviews for promotion from Clinical Associate Professor to Clinical (Full) Professor may take place at any time after the requirements set out in section II.B.3 have been met.

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. In this case, the basis for non-reappointment will be clearly stated in the notice given to the faculty member. 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.

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 recommendation to reappoint.

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 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.

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 regarding promotion also may be based on a prognosis of the clinical faculty member’s future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of ISAW.

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, all appointed by the Director.
B. Timeline:

- Preliminary notification by the candidate of application for promotion – on or around October 1;
- Submission of portfolio – on or around January 1;
- Review Committee recommendation to Faculty – on or around March 1;
- Faculty vote – on or around April 1;
- Director’s notification to candidate – on or around May 1.

C. Criteria for Promotion

1. Criteria for Promotion to Clinical Associate Professor

A clinical faculty member ordinarily should have spent at least six years at the rank of Clinical Assistant Professor (with up to three years counting from full-time employment at other colleges or universities) to be eligible for promotion to Clinical Associate Professor in ISAW. Promotion to the rank of Clinical Associate Professor requires sustained excellence in teaching and also recognizes the impact of service and administration, and scholarly, artistic, and professional activity. 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 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, scholarly, 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, scholarly research, artistic activity, 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. If there is a division of opinion, the dissenting opinion should be appended to the majority review.

**V. Process for Grievance for Reappointment/Promotion and for Discipline**

ISAW follows the grievance and appeal process for grievances and the process for discipline as set forth in the NYU Guidelines For Full Time Continuing Contract Faculty Appointments, revised and posted as of July 1, 2016, found here [http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/6.24.16CCFGuidelinesforweb.pdf](http://www.nyu.edu/content/dam/nyu/provost/documents/facultyHandbook/6.24.16CCFGuidelinesforweb.pdf). The Guidelines require that the grievance committee include at least one senior full-time continuing 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. At ISAW, the senior full-time faculty member shall participate in hearing and evaluating only those grievances that are filed by clinical faculty members.
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.
INTERIM REPORT

OF T-FSC COMMITTEE ON INCLUSION, EQUITY AND DIVERSITY

September 7, 2016

Ann Morning, Co-Chair

Introduction

- This is an interim report on committee’s AY 2015-16 activities
- Plan to write a report containing recommendations to be disseminated to the T-FSC at the start of AY2016-17
- In meantime, wanted to report what we’ve done and some initial suggestions
- Caveat: These remarks not vetted by full committee

Summary of AY 2015-16 Activities

Meetings

- Met 4 times as a committee
- Subset also met with:
  - Charlton McIlwain, now co-chair of Task Force on Diversity
  - Uli Baer, Vice Provost for Faculty, Arts, Humanities & Diversity, and Bridget McCurtis, Senior Director of Diversity Initiatives in the office of Opportunity Programs
  - Mary Signor and staff, Equal Opportunity Office
  - David Elcott, C-FSC diversity committee
Other Activities

1. We sent a letter to search committee for provost arguing the next provost should be someone attentive to diversity, and also successfully encouraged other bodies on campus—notably the Deans’ Diversity Council and the FAS Diversity Initiative—to do the same
   - We’ll see where the new provost stands

2. We also conducted a survey of diversity policies and/or programs in NYU’s Schools and Colleges, eventually covering 10 of the 17:
   - CAS, Global Public Health, Institute of Fine Art, Stern, Wagner, Professional Studies, Medicine, Silver, Steinhardt, and Tisch
   - Not covered: Dentistry, Nursing, Courant, Gallatin, ISAW, Tandon, Law

3. Finally, we reviewed 30 articles on diversity in higher education, appearing in journals and specialized publications like The Chronicle of Higher Education, with an eye to identifying “best practices”

4. Final Step: Draft report
   a. summarizing our findings about NYU
   b. summarizing “best practices” elsewhere
   c. making policy recommendations for NYU

Suggestions from Ann Morning, 2015-16 Committee Co-Chair

- T-FSC might consider what role its diversity committee should play—and even whether we should have such a committee—given existence of the Task Force on Diversity and whatever institution might succeed it
  - They are a larger committee, with more institutional support—are we at risk of duplicating?
Especially since this year we’ve seen the limitations of what six very busy faculty can do—and because diversity initiatives tend unfortunately to take up more time of female faculty and faculty of color

On one hand, I appreciate symbolism of the T-FSC maintaining a committee—because really, nowhere is the lack of diversity more glaring than in our faculty—but we can’t ask for our colleagues’ time and efforts just for show

At a minimum, T-FSC should consider what it is that our committee might bring that is unique to the university conversation about inclusion

- One example might be crafting language for the Faculty Handbook that reflects our institutional commitment to inclusion, equity and diversity
  - According to C. McIlwain, there is no such language at present

- Another TFSC-specific role could be thinking about gender and racial diversity on the Faculty Senate itself, and how the senate’s structure might hamper our capacity to fully represent our faculty colleagues
  - The lack of term limits, for example, means our senate is likely to reflect the demographics in some sense of the NYU of old, when our faculty was even whiter and more male than it is now
  - And to concentrate the weighty powers of the senators in a smaller pool of hands than would otherwise be the case
  - Indeed, women made up 11 of the 37 senators in 2015-16, just below 30%, whereas women made up 37% of tenure-track faculty in 2011, and probably a larger share today
  - [URMs on faculty were at 9% in 2011, which would translate to 3 senators, and there are perhaps two: me and Arlene?]
Introducing term limits would force the senate in some sense to renew itself continually, drawing from the faculty as it is constituted today, not as it was constituted in the past.

- Finally, recommend that the T-FSC committee meet at the start of the year with the C-FSC diversity committee.

Conclusion: Importance of Faculty Role

- Close with reminder that faculty have a crucial role to play in diversity, equity and inclusion at NYU:
  - Not just because of the central role in governance we can and should play in general
  - But also because—particularly in this year when racial inequality on campus has been such prominent public theme—we are often identified as a major part of the problem:
    - The lack of racial—and gender—diversity on faculties has been major grievance in student movements across country, including NYU's Black and Brown Coalition
    - Because diversity has grown much more slowly among faculty than it has in undergraduate student bodies
    - For that reason it's been a problem that universities like Yale or Columbia have announced major initiatives to address
    - And finally, as those who attended or watched the fall Town Hall forum on diversity at NYU will recall, faculty often singled out as creating a non-inclusive environment for students; a lot of what made students from racial or religious minorities at NYU feel out of place stemmed from interactions in our classrooms
  - And so in closing, respectfully request of my fellow senators a serious conversation in the fall about how the efforts of our council in this area might best be spent.

- Thank you for your attention.
Proposed T-FSC Resolution

Presented by Senator Davila and Senator Uleman for consideration
at the T-Faculty Senators Council Meeting, 9/15/16

The Tenured/ Tenure Track Faculty Senators Council of New York University supports the faculty of the Brooklyn campus of Long Island University, and deplores the lockout the LIU administration has imposed on them.
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LOCKING OUT A UNIVERSITY’S FACULTY RIGHT BEFORE THE START OF CLASSES SEEMS LIKE A DRAMATIC STEP, BUT THAT IS JUST WHAT LONG ISLAND UNIVERSITY (LIU) DID THIS WEEKEND, WHEN IT BARRED ALL 400 MEMBERS OF ITS FACULTY UNION FROM ITS BROOKLYN CAMPUS, CUT OFF THEIR EMAIL ACCOUNTS AND HEALTH INSURANCE, AND
told them they would be replaced. The move came three days after the union’s contract expired. Now, the faculty is furious, and planning rallies and pickets with support from the American Federation of Teachers. On Tuesday, faculty voted 226 to 10 to reject a proposed contract from LIU, and the faculty senate voiced their support for a vote of no-confidence in the university’s president Kimberly Cline, 135 to 10. Faculty rallied outside the university’s Brooklyn campus Wednesday with a giant inflatable rat as classes began, taught by non-union members.

Labor historians say they can’t recall an example of a university using a lockout against faculty members. Kate Bronfenbrenner, a Cornell professor of labor relations, says they’re particularly unwise in the service sector, or any sector where a company has clients such as students and donors to placate. More typically, she says, lockouts are used in the industrial sector, where customers are removed from labor practices.

Even so, she said, such a move rarely works. “Historically, lockouts are bad PR in every industry,” she said. When an employer locks out workers, the media and the public are typically on the side of the workers, she explained, because workers are available for work but employers aren’t allowing them to. “Lockouts normally backfire,” she said.

Long Island University is a private institution with two campuses; the main campus, located in Brooklyn, and a satellite campus, called LIU Post, located in Brookville, New York.* Faculty in Brooklyn are paid less, which is one of the main points of contention in the contract negotiations. The other is the treatment of adjuncts; the university says its adjuncts are paid far more than other adjuncts around the city and wants to adjust downward first-year salaries as part of a “commitment to affordability,” LIU chief operating officer Gale Stevens Haynes says. (If the labor dispute is resolved, it is expected that the faculty will get their jobs back, but there
is no time limit on a lockout, so some faculty may find other employment in the meantime.)

Arthur Kimmel has been an adjunct at LIU’s Brooklyn campus for more than 20 years. Under the terms of the proposed contract, he would have his income cut by 30 to 35 percent, he said. That’s because, in addition to the $1,800 or so per course he teaches, he has received pay for having office hours and money from an adjunct-benefits trust fund to help defray the cost of health insurance. Kimmel says the university’s proposal would eliminate the adjunct-benefits trust fund and payments for office hours, among other cuts. The new proposal would also decrease the number of credit hours he could teach, and establishes a two-tier system for adjuncts so that new employees would receive less than Kimmel does.

“I think that what the administration is doing, and has done from first day of the current president’s administration, is gutting the university and creating the archetype of the corporatization of the university, where the interest is not in education, but is purely financial,” he told me.

Haynes told me that that locking out its workers is no different in its effect from workers deciding to strike; by locking out the faculty, the university is trying to preempt the union in controlling that outcome. In five of the university’s last six contract negotiations with the faculty union, the union has elected to strike, Haynes says. The university wanted to avoid another strike. So it decided to impose a lockout.

“It’s become rather routine that at the end of a contract, there is a strike,” Haynes said. “We really needed to break that routine.”

The university says it wanted to “provide continuity” for students, and wanted to make sure classes still began as scheduled, regardless of what the union decided. So it began to try and find other people to teach its
classes. This was not easy: It can be difficult to find qualified professors at the last minute, after all, especially ones willing to cross picket lines. Sam Schreiber, an adjunct professor at New York University who also serves as a student advisor at LIU, was asked to replace the striking professors. He says that as early as July, the university was reaching out to him to get proposed syllabi for a class he hadn’t been hired to teach. Then, on August 22, at a weekly meeting, he was assigned a handful of English classes to teach, as a contingency. He was told he couldn’t discuss these classes with students or other faculty members. Rather than serve as a scab, he quit. “It seemed like an ethical line that I couldn’t cross,” he told me.

The dispute comes as students and universities debate rising tuition costs across the country. This includes at LIU’s Brooklyn campus, where students last year distributed a “disorientation guide” in part to complain about rising prices. Kimberly Cline became president in 2013 facing a mandate to cut costs as LIU, like many other tuition-dependent campuses, looked for ways to economize. When Cline became president, the university’s credit rating was approaching junk status and Cline began to cut administrative positions.

LIU’s decision to lockout its employees comes at a time when unions are looking to college campuses as fertile grounds for organizing. As unions decline in manufacturing and the public sector, they’re maintaining and even gaining strength in white-collar positions. On college campuses in particular there is an opportunity for unions to build: Grad students and professors are typically more liberal than the overall population and more aware of the potential benefits of organizing. And recent decisions by the National Labor Relations Board have made it possible for graduate students and undergrad student workers to unionize.
“You will see a big surge of this kind of organizing, because from a union’s perspective, this is low-hanging fruit,” says Ruth Milkman, a professor of sociology at the CUNY Graduate Center.

This is not a welcome change from the university’s perspective. “University administrations have become corporate in their mentality, which becomes a commitment to anti-unionism,” Milkman told me. Many universities are hiring “labor consultants” who can advise them on how to prevent unions from forming on their campuses, Milkman says.

Worst-case scenario, for the university, would be that the National Labor Relations Board could decide that the university has committed the lockout in an environment of unfair labor practices, at which point LIU would have to pay back wages. But even the best case scenario probably isn’t great: Even if the school reaches an agreement with the union and the 400 faculty are given their jobs back, LIU will still be facing budget problems, which may be exacerbated by students staying away. And worse, it will be remembered as the place of higher education that was the first to lock out its faculty. Those wounds could last a long time.

* This article originally stated that Long Island University's main campus is in Brookville, and its satellite in Brooklyn. We regret the error.

**ABOUT THE AUTHOR**

**ALANA SEMUELS** is a staff writer at *The Atlantic*. She was previously a national correspondent for the *Los Angeles Times.*

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Memorandum

Date: Thursday, June 16, 2016
To: THE NYU COMMUNITY
From: William Berkley, Chair, NYU Board of Trustees and Andrew Hamilton, President, NYU
Re: The Board of Trustees' Response to the University Senate Resolution on Fossil Fuel Divestment

Following a report from a University Senate Working Group that recommended against divestment, in spring 2015 the University Senate passed a resolution proposing that, going forward, no further investments in fossil fuel related companies should be made on behalf of NYU's endowment.

The Board of Trustees respects the Senate, and takes its recommendations very seriously. The Board carefully studied the arguments presented in favor of divestment. Notwithstanding this, and the concerns the Board shares about climate change, the Board does not believe divestment is the proper action to take. Regardless, the University will continue to take steps and look for concrete ways to enhance sustainability and reduce its greenhouse gas emissions, which it has reduced by 30% since 2007.

We want to share with you the response the Board today sent to the members of the University Senate outlining its reasoning (below).

Letter to the University Senate from Chair William Berkley and President Andrew Hamilton on behalf of the Board of Trustees

June 16, 2016

Dear Members of the University Senate,
We are writing you in response to the resolution passed by the Senate in April 2015 concerning fossil fuel related investments.

Background

There is agreement among members of the Board that global warming is real and is a serious transnational problem. And there is no dispute by the Board with the general consensus and the overwhelming weight of scientific opinion that human agency is at the heart of climate change.

Given that, the Board believes that NYU must play an institutional role in addressing the challenge of climate change. And, indeed, NYU has a strong record on taking measures to improve sustainability:

- Our building of the cogeneration plant (which alone has reduced NYU’s greenhouse gas emissions by over 20%) to serve Washington Square facilities, and the building of a cogeneration plant at the NYU Langone Medical Center, which has reduced greenhouse gas emissions there by approximately the same amount
- Investments in energy efficient lighting, occupancy sensors, smart thermostats, and related technologies, which have contributed to a reduction in our overall electrical usage of approximately 30% in the last 10 years even as reliance on electricity-drawing devices has increased
- The progressive swap-in of hybrid vehicles, electric vehicles, green buses, and hybrid electric buses for Public Safety, Campus Transportation, and other offices
- The ongoing support for NYU’s Green Grants program

Together, these steps have enabled NYU to embrace the NYC Carbon Challenge, meeting the initial goal of reducing greenhouse gas emissions by 30% five years ahead of schedule, and permitted us to accept the more ambitious goal of a 50% reduction by the end of 2025.

And these operational steps do not, of course, include the contributions that NYU’s academic research on climate change has made to the field or public understanding.

As to divestment (or, more precisely, making no fossil-fuel related investments in the future): the Board carefully considered the Senate’s resolution. We also studied the materials provided by NYU Divest, and listened carefully to the report of the Board’s Investment Committee, which was assigned the role of reviewing this matter for the Board; this included their report on the face-to-face presentation made by NYU Divest in May. We also read the report of the Senate Working Group, and reviewed the decisions on this matter made at a number of other research universities. And our review included a recent letter from a group of faculty.

After debating this matter, the Board has elected not to divest. Given our respect for the Senate and the consideration and effort that we know went into its resolution, we want to offer a full explanation of our thinking.
Discussion

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

We understand that some proponents of divestment argue that divestment in and of itself can help to advance the use of renewable energy sources and reduce dependency on fossil fuels. However, we are not persuaded by this argument.

First, divestment does not reduce the amount of capital or funding available to fossil fuel companies; rather, it simply transfers ownership of stock from one holder to another.

Second, the decision to support investment in alternative energy technology is not mutually exclusive with investment in fossil fuel companies; in fact, many of the fossil fuel companies listed on the “Fossil Fuel 200” are major investors in alternative energy research and ventures.

And third, divestment is neither the only nor even among the most impactful steps NYU can take to address the underlying issue: atmospheric CO2 and climate change. The actions and research noted above, among other efforts, all have a far greater impact on NYU’s greenhouse gas emissions and sustainability than would divestment. We believe that further action by the University in this regard is warranted, and we support it.

Moreover, it seems disingenuous for NYU to, on the one hand, deem the fossil fuel industry morally reprehensible—the clear implication of a decision to divest—while on the other hand continue to regularly and willingly use their products to power and heat our campus and to transport our students and faculty (albeit in ways that are more efficient and less carbon intensive than in the past).

And, finally, there is the impact on the endowment. To accomplish the goals proposed in the Senate resolution would require us to invest only with firms that have renounced fossil fuel related investments. This would significantly limit the choices we may make in investment managers, thereby limiting our ability to seek out the best long-term investment opportunities for the endowment.

Conclusion

For all the foregoing reasons, notwithstanding the Trustees great respect for the University Senate and the urgent nature of climate change, we do not believe divestment is the proper action to take.

Because the challenge of climate change is pressing, NYU must have an active role in the future—as we have now—in addressing it. The Trustees believe the senior leadership should always be looking for opportunities to expand those areas where NYU’s contribution will have a more tangible impact on climate change.
sustainability programs, infrastructure investments that will reduce NYU’s carbon footprint further, and research on climate change.

Sincerely,

William R. Berkley
Chairman, Board of Trustees

Andrew Hamilton
President