



July 9, 2020

To: Director Caflisch,
Cc: Provost Fleming and Vice-Provost Kristen Day

RE: Recommendations for the Courant Institute Reappointment and Promotion Policies from the Continuing- Contract Faculty Senators Council (C-FSC) and the Personnel Policies and Contract Issues Committee

Dear Director Caflish,

Recently, we received a letter (June 22, 2020) from Vice-Provost Kristen Day, telling us that you have been advised to address a number of preliminary concerns raised by the C-FSC and the T-FSC, and that you will be submitting a revised policy for contract-faculty reappointment and promotion.

We are pleased to learn that the T-FSC and the C-FSC's concerns have been considered specifically, our two requests: (1) the creation of a contract-faculty governance structure, and (2) an opportunity for the contract faculty to participate in formulating the school's reappointment and promotion policy. As you may recall, our letter stated:

...we strongly recommend that contract faculty be formally included in Courant's governance structure, and in a way that allows for the scheduling of formal meetings of the contract faculty, the recording of minutes, the election of a chair, the election of members to an election committee, and the ability to create a charter and standing committees as the contract faculty may require. This could take a similar form to what exists for the Expository Writing Program (EWP) and fall within FAS or could be their own governance outside of FAS.

In sum we strongly recommend that the contract faculty of Courant be given the opportunity to create a c-faculty governance structure and the opportunity to participate in formulating the school policy, should such a policy be necessary.

Because of the above missing steps (a contract-faculty governance structure and the opportunity to participate in formulating the school policy), the C-FSC did not submit our recommendations for the original Courant policy.

Nevertheless, our council would like to share our recommendations (pasted below) with you and with your contract faculty—because the policy that was originally submitted to us did indeed lack substantial protections for faculty members that our council believes are normally expected in the university. We believe that everyone involved in devising a *revised* policy should therefore be aware of this fact, so they can take appropriate steps to ensure that the revised policy does not

lack the same protections.

As to the university's rules, the New York University Guidelines for Full-Time Continuing Contract Faculty (revised 1 July 2016) require that "schools shall formulate or amend their policies in accordance with existing school governance processes." The Guidelines also say this is to be done "with the expectation that Full-Time Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit."

We could send our recommendations to your contract faculty directly, of course, but we would much prefer to do this through you, rather than on our own, so as to show proper deference to your authority and to approach the problem as a team effort, in which faculty and administrators work hand in hand.

Thank you for your help in this, and we look forward to receiving your revised policy.

Sincerely,

The Continuing Contract Faculty Senators Council

Continuing-Contract Faculty Council's Recommendations

Submitted May 5, 2020

NYU Courant Institute of Mathematical Sciences

Policies and Procedures for Reappointment and Promotion for Full-Time Continuing Contract Faculty (updated November 4, 2019)

BACKGROUND

Russel Caflisch, the Director of the Courant Institute, initiated a review of the Courant Guidelines for Continuing-Contract Faculty appointments, reappointments, and promotion, in consultation with NYU Vice-Provost Carol Morrow, Vice-Provost Kristen Day, and Courant's HR officer Martha Torres. The director also consulted with the department chairs, Bruce Kleiner (Math) and Denis Zorin (CS), as well as with several other faculty members.

The draft policy was presented to Courant's C-Faculty at a C-Faculty meeting on October 18, 2019 and then distributed the document to the faculty by email. The faculty members were asked to send in any comments on the draft policy by October 28. After another round of review by Kristen Day, the document was sent to the T-faculty for comments. On November 20, the current version was sent to the full faculty (both T and C) for a vote, which was open until November 22. The vote was conducted by anonymous and secure email, using Qualtrics. The C-Faculty

votes were 13 yes and 6 no, out of a total of 36 C-faculty members. The T-Faculty votes were 45 yes, 1 no, and 2 blank votes, out of a total of 103 T-faculty members. In addition, there were 2 ballots left completely blank, without a vote on the policy or identification of T vs. C. On December 4, 2019, the director Russel Caflisch submitted the document to NYU Provost Katherine Fleming.

As part of the process of finalizing the Courant policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called “Courant C-Faculty Policy”: “At NYU, our strong tradition is for schools to develop policies that are ‘consistent with school culture and history.’ Within that tradition, the NYU Faculty Handbook (hereafter Handbook) provides that school policies will be reviewed by the Provost to determine “whether the substance of the policy: (i) is consistent with general University policy; (ii) is compatible with the University’s commitment to excellence in teaching, research, scholarship, or artistic achievement and service within a community of respectful and respected academic professionals; and (iii) has no adverse implications for the University” (December 6, 2019).

The following document will enumerate various questions, comments and recommendations to the submitted policy. The recommendations are made within the body of the document for ease of review and discussion.

Our committee respectfully asks that responses to these recommendations be made within the body of this document for ease of review.

Courant Institute of Mathematical Sciences Policies and Procedures for Reappointment and Promotion for Full-Time Continuing Contract Faculty

(updated November 4, 2019)

There are various specific points where the proposed Courant policy conflicts with what is generally the norm at NYU. But beyond this fact, there is a fundamental difficulty with the way in which the policy was formulated.

Specifically, the New York University Guidelines for Full-Time Continuing Contract Faculty (revised 1 July 2016) require that “schools shall formulate or amend their policies in accordance with existing school governance processes.” The Guidelines also say this is to be done “with the expectation that Full-Time Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

According to our information, there is no formal contract-faculty governance structure at Courant at all. Instead, the proposed new policy was formulated entirely by the administration, and contract faculty members were then invited merely to submit comments. After this, the policy was put to an up or down vote.

The trouble with this approach is that it leaves the contract faculty with a stark choice: either they can accept whatever the administration proposes, or they can vote the proposal down and be left with no policy at all. The spirit of the Guidelines is different—to foster collaboration between the administration and the contract faculty by bringing the contract faculty into shared governance.

Because of these defects in procedure—in addition to our specific comments in the document attached—we would strongly recommend that contract faculty be formally included in Courant’s governance structure, and in a way that allows for the scheduling of formal meetings of the contract faculty, the recording of minutes, the election of a chair, the election of members to an election committee, and the ability to create a charter and standing committees as the contract faculty may desire.

In addition, we strongly recommend that the recommendations we attach here be submitted directly to the contract faculty of Courant, so that they can be given the opportunity to participate in formulating the school policy and can know how it might be improved.

Introduction

Full-Time Continuing Contract Faculty (C-Faculty) represent a vital part of the Courant academic community and contribute significantly to the university’s academic and service missions. Courant policies applicable to this group of faculty reflect Courant’s overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each C-Faculty appointment and reappointment is evaluated in the light of the contribution it makes to the excellence of Courant, and the University’s commitment to appoint and retain the best faculty in all disciplines.

This policy shall apply henceforth to all C-Faculty reappointments and promotions in Courant’s two departments, Mathematics and Computer Science. Upon reappointment review for existing contracts, this policy shall apply with respect to, for example, review procedures, notification, length of contract, rank and title, etc. This policy shall apply immediately to all new appointments.

This document supplements NYU policies applicable to C-Faculty as outlined in the NYU Faculty Handbook. If any part of this document is inconsistent with NYU policies, the NYU policies have precedence. As with all NYU and Courant policies, this document is subject to change, and the policies in effect at the time of an action will apply to that action. Any amendment to this policy must be in writing, and material amendments must be approved by the Courant Director and the Provost of NYU.

Major Recommendation

The policy should follow the letter and the spirit contained in the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised July 1, 2016, page 1, Section II, Formulation of School Policies, paragraph 2, sentence 1, which states:

“In response to these guidelines and as appropriate thereafter, schools shall formulate or amend their policies in accordance with existing school governance processes and with the expectation that Full-Time Continuing Contract Faculty shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

Add the following language (This language is in line with other continuing-contract faculty reappointment and promotion policies at the university, e.g., Gallatin, 2015, Stern, 2019, Liberal Studies, 2018, Tisch Arts Professor, 2013, Tisch Teacher Policy, 2014):

“Any amendments to the Policy will include timely distribution of any amendments to the faculty, faculty discussion, and the ability for faculty to present amendments, make recommendations to and vote on the Policy in a regularly scheduled faculty meeting following procedures outlined in the school’s governance structure.”

Scope

This policy applies to all Courant C-Faculty. The titles currently held by C-Faculty in Courant in its two departments, Mathematics and Computer Science, are the ranked titles of Clinical Professor (Clinical Assistant Professor, Clinical Associate Professor, Clinical Professor) and Lecturer (Lecturer, Senior Lecturer).

Rights and Privileges

C-Faculty appointments are principally teaching positions, although they often include associated administrative and/or supervisory responsibilities. Research is not part of the C-Faculty's formal obligations. C-Faculty research activities may be considered when reviewed for reappointment, promotion or annual reviews, as long as these complement and support the teaching mission of the Institute and do not interfere with the C-Faculty's teaching obligations.

Although C-Faculty appointments are without tenure, they are typically multi-year appointments. C-Faculty members are protected by academic freedom. C-Faculty may be deemed eligible to serve as Principal Investigators on sponsored projects/programs and awards, in accordance with University policy. [1] C-Faculty at Courant are ineligible for sabbaticals. Availability of faculty housing is discussed on page 28 of the NYU [Faculty Handbook](#).

Other than eligibility for tenure, and except for participation in governance functions set aside by the University bylaws and applicable University Arts and Sciences and Courant policies, as falling within the exclusive domain of tenured and tenure track faculty (such as participation in third-year and tenure review committees), C-Faculty enjoy the same rights and responsibilities as tenured and tenure track faculty members in the governance of Courant and in the academic departments and programs in which they teach. In accordance with University Bylaw 82 (c), Courant practice is to hold joint full faculty meetings inclusive of C-Faculty, except when the agenda is specific to T/TT faculty, and C-Faculty are also eligible to participate and vote in Departmental and Courant Faculty meetings. C-Faculty may participate in department governance, with the exclusion of matters restricted to tenure and tenure-track faculty as outlined above. In the cases when a C-Faculty member is a degree candidate (i.e., an exception to Bylaw 81 (c), prohibiting faculty enrollment in degree programs is approved) participation in governance also excludes matters directly or indirectly affecting the individual's candidacy for a degree, or matters that relate to their personal degree program. For all C-Faculty members, participation in governance also excludes matters affecting his or her status on the faculty of NYU (e.g., curricular changes that impact their contract renewal). In addition, the Courant Director or the Department Chairs may decide that some matters are most effectively addressed by a meeting of the T-faculty alone or by a meeting of the C-Faculty alone.

Titles and Qualifications

C-Faculty appointees must be experienced and highly knowledgeable in their particular fields and, where relevant, have had experience in curriculum development and supervision of laboratory facilities and teaching assistants. Appointees should possess relevant advanced degrees or scholarly or professional credentials, which may vary by discipline and department, as developed in consultation with the department Chair. The following qualifications by title and rank apply to initial recruitment and serve as criteria for reappointment and promotion to rank.

- **Clinical Assistant Professor** – To teach mathematics: teaching experience, and a Phd degree (or equivalent) in the field of mathematics or a related field, except for clinical faculty in the Mathematics of Finance program, who are required to have a masters degree in mathematics or a related field.

To teach computer science: a minimum of a Master's degree or equivalent in the field of Computer Science or a related field, for teaching at the undergraduate level; for teaching at the graduate level, Ph.D. degree is required as a rule, however exceptions may be made when appropriate, based on the candidate's academic and industrial experience.

- **Clinical Associate Professor** – A minimum of five years of relevant teaching or professional experience at NYU or elsewhere; evidence of supervisory experience; superior contributions to the teaching program at NYU, or in the case of initial hires, to relevant activities at other institutions; as well as recognition for excellence in the professional field and innovation, for example in the area of instruction. Same standards for degrees as for Clinical Assistant Professors apply.

- **Clinical Professor** – A minimum of 10 years of teaching and related professional experience at NYU or elsewhere, evidence of extraordinary contribution to the NYU teaching program or relevant activities elsewhere and evidence of recognition for leadership and innovation in the professional field (e.g. leadership in a relevant national organization or recognition for excellence and innovation in teaching). Same standards for degrees as for Clinical Assistant Professors apply.

Lecturer – Teaching experience, a minimum of a Master's degree or equivalent in Mathematics or a related field. This title is used in

the Mathematics department only.

Senior Lecturer – A minimum of a Master’s degree or equivalent in Mathematics or a related field; demonstrated excellence in teaching and instruction, and at least two years of teaching experience; evidence of supervisory experience (where relevant); superior contributions to the teaching program, as well as recognition for excellence in the professional field (e.g. leadership in a relevant national organization or recognition for excellence and innovation in teaching). This title is used in the Mathematics department only.

As per University Bylaw 81(c), “Degree Programs” a degree candidate who accepts appointment as a full-time C-Faculty member must thereupon relinquish candidacy for a degree at NYU. As appropriate, the Courant Director can request an exception from the NYU Board of Trustees.

Responsibilities

C faculty responsibilities include:

- **Teaching** – The normal course load for C-Faculty is three courses per term or in exceptional cases comparable prescribed number of hours per week. This load may be reduced depending on other assigned duties or responsibilities. With the approval of the Director/Department Chair, administrative and professional duties and other professional activities that serve Courant may, if comparable in time demands to one or more courses, substitute for such courses.

- **Service** – Participation on departmental, Courant and/or University-wide committees is expected. Individual departments and programs will determine the appropriate opportunities for service. Clinical faculty and Lecturers and Senior Lecturers are also expected to be available to provide advice to the Department Chair or Director of Undergraduate Studies or Director of Graduate Studies regarding curriculum, teaching assignments, and any other matters related to their area of instruction.

- **Research** – Although there is no obligation to conduct research. C-Faculty may be eligible to be principal investigators on curriculum grants, training and teaching grants and other non-research grants in accordance with University policy. [1]

- **Administration** – In some cases C-Faculty will have program-related administrative duties, including but not limited to: curriculum development, selection of textbooks and instructional methodologies,

implementation of technologies, class schedules, student advisement, supervision of laboratories (if applicable) and program management. Clinical Faculty may provide supervision and training of clinical faculty and adjuncts, and program management. Lecturers and Senior Lecturers may provide supervision and training of adjuncts.

Terms of Appointment

- Unless stipulated otherwise in an appointment letter, C-Faculty are appointed for the academic year (September through May). They receive a nine-month academic year base salary which is paid over twelve months (starting with an October 1 paycheck). If appointed mid-year, the term of the appointment should be aligned to include the partial year and subsequent full academic year (i.e., the initial appointment would be for at least 1.5 years).
- J-term and Summer teaching appointments are optional and are made, subject to curricular needs and the faculty member's desire to teach, with additional compensation. Administrative duties that carry over beyond the nine-month academic year and require service during the summer may carry additional summer compensation, unless the appointment for the administrative position is for 12 months.

For all ranks of clinical faculty, the initial appointment can be made for one to three years. Subsequent reappointment can be made for one to five years.

Major Recommendation

The variation of “one to three years” is highly unusual and is not in line with other contract policies at the university. Initial appointments should be clear and consistently applied according to title, e.g., three years for Assistant Professor/Lecturer. This is the norm for contract faculty at other schools.

Major Recommendation

The variation of “subsequent appointment can be made for one to five years” is highly unusual and is not in line with other contract policies at the university. Appointment length and subsequent appointment length should be clear and consistently applied, e.g., if a faculty member is on a 3-year appointment, the subsequent appointment must be of at least the same length. This is the norm for contract faculty at other schools.

Add the following language:

“Subsequent appointments shall be of at least the same length.”

Major Recommendation

As it is the norm for contract faculty at other schools of the university, add the following language:

“Faculty members appointed or promoted to Assistant Clinical or Lecturer shall receive a three-year contract.”

Major Recommendation

Add the following language:

“Faculty members appointed or promoted to Assistant Clinical or Lecturer shall receive a three-year contract, subsequent appointments shall be of at least the same length (three years).”

Major Recommendation

The length of contract for subsequent contracts for Associate Professors (Clinical) and Senior Lecturers is unclear. The length of contract for Associate Professors (Clinical) and Senior Lecturers is not equitable to what is offered by the other schools:

Liberal Studies, 2018 – “Five-year appointments: Five-year contracts are awarded upon promotion to Clinical Associate Professor.”

Tisch School of the Arts, 2013 – “Associate Arts Professor: Six Year Term.”

Gallatin School of Individualized Study, 2015 – “Clinical Associate Professors: First appointments are for five years; after the first appointment, reappointments are for six years.”

Institute for the Study of the Ancient World (ISAW), 2016 – “Five-year appointments: Normally, five-year contracts are awarded only upon promotion to Clinical Associate Professor.”

NYU Abu Dhabi, 2020 – “Rank of Associate Professor: 4 years.”

We strongly recommend the following language:

“Faculty members appointed or promoted to Associate Professors (Clinical) or Senior

Lecturer shall receive a five-year contract.”

Major Recommendation

Add the following language:

“Faculty members appointed or promoted to Associate Professors (Clinical) or Senior Lecturer shall receive a five-year contract, subsequent appointments shall be of at least the same length (five years).”

Major Recommendation

As an appointment of at least five years is the norm for Clinical Associate Professor, provide an increase in term of appointment for Clinical (Full) Professor; this is the case at certain schools:

Tisch School of the Arts, 2013 – “Arts Professor: Six Year Term. Unlimited reappointments; eligible for sabbatical and Emeritus status.”

Gallatin School of Individualized Study, 2015 – “Clinical Full Professors: Appointments are for six years.

Add the following language:

“Faculty members appointed or promoted to Clinical (Full) shall receive a six-year contract.”

Major Recommendation

The length of contract for subsequent contracts for Professors (Clinical) is unclear. Again, the length of contract for Professors (Clinical) is not equitable to what is offered by the other schools (Tisch, 2013 and Gallatin, 2015):

We strongly recommend the following language:

“Faculty members appointed or promoted to Clinical (Full) shall receive a six-year contract, subsequent appointments shall be of at least the same length.”

- Appointments may be renewed on an annual basis on the recommendation of the Chair or Director. However, in no case will a series of one-year contracts exceed three years.

Major Recommendation

The above statement is unclear and needs clarification. Is it the case that all appointments, no matter the rank, may be “renewed on an annual basis on the recommendation of the Chair or Director”? Or is it the case that only “one-year” appointments “may be renewed on an annual basis”?

Major Recommendation

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

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

The above language is in line with other contract policies at the university: Center for Urban Science and Progress (CUSP) 2017, Institute for the Study of the Ancient World (ISAW), 2016, and FAS Clinical, 2019.

- The length of reappointment is determined by performance as well as the needs of the department or program.
- There is no limit to the number of terms that a contract faculty member at any rank can be reappointed.

Contract faculty are appointed for renewable terms that consider curricular needs, rank, and length of service. After an initial appointment, reappointments are typically 3 years for Clinical Assistant Professors, and 3 to 5 years for Clinical Associate Professors and Clinical Professors.

Major Recommendation

Clinical Associate Professors should receive a clear and consistent contract length of 5 years. (Please see earlier recommendation.) The variation of “3 to 5 years” is highly unusual and not in line with other contract policies at the university.

Major Recommendations

Clinical Professors should receive a clear and consistent contract length of at least 5 years.

We recommend a 6-year contract. (Please see earlier recommendation.) The variation of “3 to 5 years” is highly unusual and is not in line with other contract policies at the university.

- Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

Major Recommendation

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

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

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

Add language similar to the following:

“If a one-year contract is adopted, the Dean will provide a justification, similar to the hiring plan submitted annually to the Provost, based on programmatic and academic considerations, to the faculty through the formal governance structure established at the school (the Faculty Assembly, Faculty Senate, etc.).”

For Lecturers the initial appointment can be made for one to three years. Subsequent reappointment can be made for one to three years. For Senior Lecturers the initial appointment is for one to three years. The subsequent reappointment(s) can be made for one to five years.

Major Recommendation

As stated above, variations of appointments and variation of subsequent appointments is highly unusual and is in contrast to other schools’ terms of appointment at that level (3-year contracts for Lecturers and 5-years contracts for Senior Lecturers is the norm). It is

also unclear as to the length of subsequent contracts. Subsequent appointments should be clear and consistent and of at least the same length as the previous contract. This is the norm at for contract faculty at other schools of the university.

We recommend the following language:

“For Lecturers the initial appointment can be made for three years. Subsequent reappointment shall be of at least the same length. For Senior Lecturers the initial appointment is for five years. The subsequent reappointment(s) shall be of at least the same length.

- Appointments may be renewed on an annual basis on the recommendation of the Chair or Director. However, in no case will a series of one-year contracts exceed three years.

Major Recommendation

The above statement is unclear and needs clarification. Is it the case that all appointments, no matter the rank, may be “renewed on an annual basis on the recommendation of the Chair or Director”? Or is it the case that only “one-year” appointments “may be renewed on an annual basis”?

- The length of reappointment is determined by performance as well as the needs of the department or program.
- One-year appointments are typically reserved to address temporary programmatic needs, typically vacancies caused by a leave or resignation.
- Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

Annual Review

Contract faculty are subject to the annual increase review, conducted for all full-time faculty members by the Department Chair or Program Director, with input from the appropriate faculty committee, as per department or program procedure. All C-Faculty will submit an Annual Faculty Personnel Record Supplement, in the spring semester each academic year, to report on their teaching and service. Specific deadlines will be set departmentally.

The provided information will be used in the annual increase review, which typically considers the faculty member's teaching performance, contribution to the effectiveness of the program or department, and relevant administrative performance. Additional weight will be given to the performance of administrative duties for faculty whose duties are heavily administrative. Scholarly and research activities (e.g. publications) are not required, but may be considered.

Recruitment and Initial Appointment

With input from the Chairs of Mathematics and Computer Science, the Courant Director prepares a Hiring Plan, which includes a request for new C-Faculty hiring, and submits this Plan to the Provost for approval. Once the hiring has been approved, the Chair of each department appoints a C-Faculty search committee; all members of the faculty at any professorial rank may serve on a committee, even for a senior position. The search is announced and proceeds in accordance with University rules for recruitment of full-time C-Faculty.

Reappointment: Overview and Principles

C-Faculty are subject to formal review. Faculty on multi-year appointments are reviewed in the penultimate year of appointment. Faculty on a series of one and/or two-year contracts are subject to formal review in the first semester of the third year of continuous appointment or earlier than the third year as deemed appropriate by the department. Reappointment is principally based on departmental criteria of overall performance as a teacher, and, if applicable, also as an administrator. For faculty whose responsibilities include substantial administrative service, greater weight will be given to the performance of these duties. Research activities are not required for reappointment, but may be considered.

Reappointment is subject to the academic and curricular needs of Courant and the University; thus, review for reappointment shall consider curricular or structural changes and improvements in academic programs. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvement in academic programs. In the case of such changes, the review will consider whether the faculty member would be able to teach in the revised curriculum and/or new

academic structure, and in what capacity; the basis for non-reappointment will be clearly stated in the notice given to the faculty member.

In connection with formal reviews for reappointment and promotion, Courant will use the criteria listed on Page 4 of this document under “Responsibilities” to guide the review.

Reappointment for Multi-Year Contracts of Three Years or More, and/or Promotion

C-Faculty on multi-year contracts (of three years or more) are reviewed in the penultimate year of their contract. The review is multi-staged, including review by a departmental C-Faculty Reappointment and Promotions Committee (C-Faculty RPC), the Department Chair, and the Courant Director.

If the department has any concerns that a C-Faculty member is not fulfilling the requirements of the position or if it is determined that the position is not needed to fulfill the teaching mission of the department or program, these should be clearly outlined in the report submitted to Courant’s Director.

In the event of a decision to reappoint, the faculty member shall complete the remainder of his/her term and shall be reappointed, normally for another multi-year term. In the event of a decision to not reappoint, the faculty member shall be notified of the decision no later than **August 31st** of the penultimate year, and shall continue to be under contract for the final year.

When 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 and the faculty member will be notified in the penultimate year; however, the faculty member may request a performance review for career development.

Upon request, the timing of a review may be delayed by stopping the contract clock for reasonable cause that has been approved by Courant’s Director, e.g. medical, personal, as primary caregiver for a child, spouse, parent, domestic partner, or by contractual stipulation or negotiation.

Reappointment for One-Year or Two-Year Contracts

C-Faculty may be appointed by the Department Chair to a series of one-year or two-year full-time contracts. However, C-Faculty are limited to no more than

three consecutive one-year contracts. After three one-year contracts they will either be provided with a multi-year contract or not reappointed at all.

In the third year of continuous appointments (or earlier as described above), whether on one-year or two-year contracts, the C- Faculty member will have a formal review comparable to those which faculty members on longer multi-year contracts are subject.

C-Faculty in one-year or two-year contracts will be subject to a performance assessment and/or formal review for reappointment purposes.

Major Recommendation

We strongly recommend the following language (as stated in the above recommendation, p. 11):

“Faculty members on one-year appointments who successfully complete two one-year contracts undergo a formal review and shall move to at least a three-year appointment following the end of their 3rd one-year contract. Subsequent appointments shall be of at least the same length.”

The above language is in line with other contract policies at the university: Center for Urban Science and Progress (CUSP) 2017, Institute for the Study of the Ancient World (ISAW), 2016, and FAS Clinical, 2019.

Major Recommendation

We strongly recommend the following language:

“Faculty members on continuous two-year appointments who successfully complete two two-year contracts will undergo a formal review and shall move to at least a three-year appointment following the end of their 2nd two-year contract. Subsequent appointments shall be of at least the same length.”

Promotion

Generally, candidates for promotion must have been in their current rank for a minimum of three years and had at least one prior reappointment to be eligible for promotion in rank. Full-time teaching, and when appropriate, professional experience prior to the initial appointment at NYU, can be counted in lieu of prior reappointments. Candidates may request promotion review in coordination with their second reappointment review in rank, and

subsequently, any year thereafter, but no more frequently than once every three years.

Major Recommendation

We recommend more flexibility with regard to requests for promotion review. The above restrictions are unusual and not the norm for contract faculty at other schools of the university. We recommend the following language:

“Candidates may request promotion review in coordination with their first reappointment review in rank, and subsequently, any year thereafter, but no more frequently than once every two years.”

Major Recommendation

Contract length should be clear and consistent for all ranks. We strongly recommend the following (as stated in recommendations above):

“When promoted to a three-year contract (Assistant Clinical or Lecturer), subsequent appointments shall be for at least three years.

“When promoted to a five-year contract (Associate Clinical or Senior Lecturer), subsequent appointments shall be for at least five years.

“When promoted to a six-year contract (Full Clinical), subsequent appointments shall be of the at least same length.”

In addition to the consideration of teaching, administration, and service activities, recommendations regarding promotion for all C-Faculty also may be based on a prognosis of the 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 Courant. Research activities are not required for promotion, but may be considered.

Major Recommendation

In schools where professional, scholarly or creative activity is either required or encouraged for reappointment and promotion, professional development funds and research leave or sabbatical should be provided to further support professional, scholarly, or creative work. A description of that eligibility, and the process governing it, should be added.

The above recommendation is in line with other contract-faculty policies at the university, e.g., Gallatin, 2015, Institute for the Study of the Ancient World (ISAW), 2016, Liberal Studies, 2018, and Abu Dhabi, 2020.

Reappointment and Promotions Committee (RPC)

The review, whether for renewal and/or promotion is undertaken by the departmental C-Faculty Reappointment and Promotions Committee (C-Faculty RPC) appointed by the Department Chair. Each C-Faculty RPC must consist of three to five full-time faculty, with a minimum of one tenured or tenure-track faculty and at least one C-Faculty member. Any deviation from this configuration of the committee must be approved by the Director. Alternatively, at the discretion of the Director, an ad hoc committee of C-Faculty and T/T Faculty may be formed to conduct the review of an individual case; the rules regarding the composition of the C-Faculty RPC apply here too.

Major Recommendation

The majority of the committee should be made up of elected, not appointed, members. (This is in line with other contract-faculty policies at the university: Liberal Studies, 2018, Nursing, 2019.)

Major Recommendation

The majority of committee should be made up of Continuing Contract faculty members. (This is in line with other contract-faculty policies at the university: Liberal Studies, 2018, Nursing, 2019.)

Major Recommendation

It should be clear that faculty manage the election.

Add the following language:

“The process to elect members to the Reappointment Committee and the Promotion Committee should be managed by a respective elected committee of the faculty.”

Non-Eligibility to serve: Members of a C-Faculty RPC are not eligible to

serve in any year in which they are themselves under review for reappointment. For promotion reviews to Clinical Associate Professor, Clinical Assistant Professors are not eligible to serve. For promotion reviews to Clinical Professor, Clinical Assistant Professors and Clinical Associate Professors are not eligible to serve. Lecturers and Senior Lecturers are not eligible to serve on committees for reappointment and promotion of clinical faculty with professor ranks. Senior Lecturers are able to serve for the reappointment of Lecturers and for promotions to Senior Lecturer. Lecturers are not eligible to serve for reappointments or promotions of any C-Faculty. In the exceptional circumstance that there are insufficient members on an RPC, the department chair can appoint additional members of any rank to the committee.

Major 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>):

Add the following:

"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)."

Major Recommendation

Add the following:

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

This is in line with other contract faculty policies of the University, e.g., Center for Urban Science and Progress (CUSP), 2017, Gallatin, 2015, Liberal Studies, 2018, Stern, 2019, Shanghai, 2017, and the Law School. 2017.

Major 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>).

We recommend the following language:

"The review may be written by one or more member of the RTP 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."

This paragraph is in line with other contract faculty policies of the University, e.g., Center for Urban Science and Progress (CUSP), 2017, FAS Clinical Policies, 2019, FAS Language Lecturers, 2019, Gallatin, 2015, Institute for the Study of the Ancient World (ISAW), 2016, Liberal Studies, 2018, Stern, 2019, Abu Dhabi, 2020, Shanghai, 2017, Law, 2017, and Tandon, 2018.

Major Recommendation

We strongly recommend the addition of detailed information in line with other contract faculty policies of the university, e.g., CUSP, FAS Clinical, 2019, FAS Lecturer, 2019, Liberal Studies, 2018, and Stern, 2019:

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

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

Major Recommendation

We strongly recommend that contract should indicate whether appointment is subject to renewal.

Add the following language:

“Contracts should indicate whether appointment is subject to renewal.”

Major Recommendation

We strongly recommend that contracts or letters of reappointment indicate an explicit list of responsibilities.

Add the following language:

“Contracts will list explicit academic responsibilities and administrative responsibilities (if applicable).”

Major Recommendation

In the case of schools where a divisional dean, director, chair, or academic unit leader receives the committee report and passes that with a recommendation to reappoint or to promote to a school Dean (as at Liberal Studies, 2018, and Tandon, 2018), add language to ensure that the school Dean receives the full record and recommendation of the Review Committee, as well as the recommendation of the divisional dean, director, chair, or academic unit leader (similar to Liberal Studies, 2018 and Tandon, 2018).

Add the following language:

“The divisional dean, director, chair, or academic unit leader must forward the review packet to the school Dean along with the committee's recommendation and any comments from the faculty.”

Major 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.”

This is in line with other contract faculty policies of the University, e.g., Center for Urban Science and Progress (CUSP), 2017, Gallatin, 2015, and Abu Dhabi, 2020.

Major Recommendation

Clarify that on appeal of a negative decision regarding reappointment or promotion by the dean that the candidate will have access to the Review/Promotion Committee's full report, including its recommendation and any comments from the faculty by adding language similar to the Center for Urban Science (CUSP), 2017, and Liberal Studies, 2018:

“In all cases of an appeal to a negative decision related to reappointment or promotion by the Dean, the candidate will have access to the Review/ Promotion Committee's full report, including its recommendation, with the expectation that the Committee will protect information provided in confidence.”

Departmental Review Process

The candidate should submit a personal statement, curriculum vitae, and course syllabi to their department's RPC per the Courant Review Calendar (see below). These materials along with course evaluations, classroom observations and other materials contained in the review packet (see below) are to be made available to the C-Faculty RPC for evaluation. The C-Faculty RPC should prepare a report of evaluation and recommendation, which has been read, approved, and signed by all committee members before it is submitted to the Department Chair. The review may be written by the C-Faculty RPC Chair or a C-Faculty RPC member. The report 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, the dissenting opinion should be appended to the majority review. The committee report may be supplemented by input from other members of the department.

The review packet to be presented by the C-RPC to the Department Chair should normally include:

- An up-to-date curriculum vitae of the candidate.
- A description of the candidate's teaching and administrative responsibilities.
- A list of all courses taught since the last review.
- Committee service.
- An evaluation of teaching performance of the candidate, which should include:
 - ✓ Course evaluations (provided by the department administration)

- ✓ Course syllabi (provided by the candidate)
- ✓ Reports of classroom observation (provided by department administration or committee).
- An evaluation by the committee of the candidate's other contributions to the instructional program, for example, curriculum development.
- If applicable, an evaluation of the candidate's administrative performance, including any role in the training and supervising of other faculty. Note that additional weight will be given to the performance of administrative duties for faculty whose duties are primarily administrative.
- A personal statement from the candidate assessing his or her contributions.
- If applicable, scholarship including, but not limited to, research and publications related to their specific discipline or field, to the pedagogy of their field, or to the work of the department/program/university, may be included.
- Any additional documents provided by the candidate to support their renewal and or promotion.

In addition, for promotion review, the packet for C-faculty must describe how the candidate meets the qualifications for Clinical Associate Professor or Clinical Professor as prescribed above in "Titles and Qualifications." Promotion review packets for Senior Lecturers must describe how the candidate meets the qualifications for Senior Lecturer as prescribed above in "Titles and Qualifications."

The committee will consider all work activity, as listed above, since the last review, including materials from the final year of the previous contract.

The C-RPC review and all relevant supporting materials will be reviewed by the Department Chair. If there are questions in any particular case, the Department Chair may ask the C-RPC Chair for additional information.

After the Department Chair's review, recommendations are forwarded to the Director along with the candidate's review packet and proposed Review Summary Letter (prepared by the Chair). The draft Review Summary Letter must cover both strengths and weaknesses of the candidate's performance.

Review and Decision by Courant Director

The Director reviews the material and informs the Department Chair of the decisions reached. If the decision is contrary to the recommendation of either the chair or the C-RPC, the Director will provide the Department Chair with the reasons. The Department Chair has an opportunity to respond to the Director's decision in writing and provide additional information within ten days.

The Director conveys the final reappointment and/or promotion decision to the Department Chair. The Chair finalizes the Review Summary Letter and shares it with the candidate. It is presented by the Chair to the candidate and discussed with him or her, preferably in person, but if this is impractical, by phone or email. The candidate must sign the letter to indicate that he or she has read it and discussed it with the Chair.

The Review Summary Letter includes the final decision on reappointment, the length of reappointment (if that is the decision), and a signature block for the candidate. It must also include the following statements:

1. For reappointed candidates only: Regardless of the merits for reappointment/promotion at this time, this letter does not constitute a guarantee of future reappointment.
2. For reappointed candidates only: Candidates will be judged for reappointment/promotion in the future according to the conditions and standards in effect at the time of their next review.
3. I have read this letter and understand its content.

Courant Review Calendar

All candidates for reappointment will be notified by October 15 of the academic year in which they are being reviewed, of the fact that a review will occur. Eligibility to be considered for reappointment does not guarantee reappointment.

One part of this review will comprise one or more classroom visits by faculty selected by the C-Faculty RPC. These visits may occur at any time during the academic year, starting one week subsequent to the above notification.

Candidates on multi-year contracts of 1 and 2 years, must submit their review materials (personal statement, curriculum vitae, and course syllabi) to their department's C-Faculty RPC on or before January 1 of the first semester of the third year of continuous appointments, or an earlier year if the department has decided to perform the review in an earlier year. The C-Faculty RPC will make recommendations to the Department Chair and the Department Chair will submit his or her recommendations to the Director by February 15th. By March 1 notification of the final decision will be provided to the candidate.

For candidates with 3+ year contracts, the review materials must be submitted to their department's C-faculty RPC on or before the deadline set by their department, which will be in the spring semester of the penultimate year of their current appointment. By June 10, the C-RPC will make recommendations to the department Chair and by August 31, notification of the final decision will be provided to the candidate.

Faculty Grievances

Faculty Grievances are classified into two main types: 1) those connected with reappointment or promotion and 2) those concerned with other matters, such as duties, salaries, prerequisites, and working conditions.

As per university guidelines, with respect to grievances related to reappointment and promotion, outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievance of either type 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.

Minor Recommendation

Add link to the NYU Faculty Handbook.

- The decision not to undertake the reappointment process where a position is to be eliminated at the end of the contract term, and where no similar

position is open, is not a basis for a grievance.

- A C-Faculty member whose contract is non-renewable or who is not eligible for reappointment cannot grieve a decision not to reappoint.
- Individuals on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed do have a right to grieve the process in the event it leads to a negative decision with respect to reappointment or promotion, under the same criteria as cited in the preceding paragraph.
- Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event that the third-year review process leads to a negative decision.

If a faculty member's grievance is not settled informally at a level below the Director, the faculty member may appeal to the Director to convoke the Courant Faculty Grievance Committee to hear grievances in order to advise the Director. The Director shall convoke the committee within fifteen working days of receiving the faculty member's appeal.

Members of the Courant Faculty Grievance Committee are elected to a 3-year term by a vote of all full time faculty members. It is composed of 2 tenured full professors (1 member from each academic department) and 1 at large continuing contract faculty (senior lecturer, clinical associate or full clinical professor). Sitting Department Chairs, Deputy Chairs, the Courant Director and Deputy Directors, members of the C-RPC committees, Directors of Undergraduate and Graduate Studies may not serve on the Grievance Committee. If a faculty member of the Grievance Committee files a grievance, then that faculty member must resign from the committee. In these and all other circumstances in which a faculty member leaves the committee (e.g. due to a leave of absence), the departing faculty member must be replaced by another faculty member, who is elected (as described above) or who is appointed by the Director, if there is insufficient time to hold a vote.

The Director can at his/her discretion, appoint an Ad hoc Grievance Committee in the event that the Courant Faculty Grievance Committee is unavailable. The Ad hoc Grievance Committee will be composed of at least two tenured faculty and one continuing contract faculty member (clinical assistant, clinical associate or clinical full professor).

The Grievance Committee does not judge the professional merits of the case and only considers the grievance based on the grounds specified above. After deliberation, the Grievance Committee will report to the Director in writing on its findings of fact and its opinion on a fair disposition of the case.

The Director reviews the Committee's recommendation and all pertinent information, decides the case, and notifies the faculty member and the Grievance Committee in writing of his/her decision, together with reasons therefore and information about the procedure for appeal.

Major Recommendation

The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before the school sends the policy to the Provost. The process should be identified and explicitly described in this document.

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

“Unless otherwise authorized in the school’s policy and approved by the Provost, each school shall either establish a new standing faculty committee for Continuing Contract Faculty grievances, which will include senior Continuing Contract Faculty and T/TTF elected by the voting members of the faculty; or shall expand its existing standing grievance committee for T/TTF to include (elected) senior Continuing Contract Faculty who shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty .”

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

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

This recommendation is in line with other contract faculty policies of the university: FAS Clinical Policies, 2019, FAS Language Lecturers, 2019, Gallatin, 2015, and Liberal Studies, 2018.

Major Recommendation

Add the following language (paraphrased from Liberal Studies, 2018 and Tandon, 2018):

“Having decided to consider the case, the grievance committee will then hear evidence and report to the Dean in writing on its findings of fact and its opinion on a fair disposition of the case. After considering the advice of the committee, the Dean will inform the grievant in writing of his or her decision, and include a summary of the committee’s report provided by the committee.”

Major Recommendation

Add the following language (paraphrased Liberal Studies, 2018 and Tandon, 2018):

“If the committee’s report is accepted by both the grievant and the Dean, the matter shall be considered settled. However, if the Dean shall deny any findings of fact, or refuse to implement suggestions by the committee made as a part of the committee's recommendations on the disposition of a case, the Dean is required to reply in writing giving in detail his or her reasons. This memorandum must be sent both to the grievant and to the committee.”

Major Recommendation

Add the following language (quoted from the Liberal Studies Policy, 2018 and Tandon, 2018)

“The majority of the members of the grievance committee must be contract faculty members.”

Major Recommendation

Add the following language (quoted from Liberal Studies, 2018, and the Tandon, 2018):

“As a standing committee of the faculty, it must regularly report to the faculty on the number of cases heard or under study and the ultimate disposition of such cases, (for example, amicably settled, on appeal to the Provost or President, or committee report rejected by the Dean).”

Appeal

Following the review of the Courant Faculty Grievance Committee and in the event the decision of the Director is not to reappoint or promote, an

appeal can be made to the Provost, following the procedures enumerated in the [Faculty Handbook](#).

General Disciplinary Regulations

All faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic community. In particular, the faculty member is obligated to comply with the standards of academic freedom as outlined in the [Faculty Handbook](#).

Disciplinary action may follow when the faculty member engages in other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University as set forth in the [Faculty Handbook](#).

[1] [NYU Policy on PI Status for Contract Faculty](#)

