



Date: May 7, 2019

Memo to: Katherine Fleming, Provost

From: Mary Killilea
Chairperson, C-Faculty Senators Council
A/Y 2018-2019

Subject: C-Faculty Senators Council Review: NYU Abu Dhabi Guidelines for Full-Time Continuing Contract Faculty Appointments.

The C-Faculty Senators Council submits the attached recommendations regarding the NYU Abu Dhabi Guidelines for Full-Time Continuing Contract Faculty Appointments. These recommendations were approved by the Council at the May 2, 2019 meeting.

cc: Fabio Piano, Provost, NYU Abu Dhabi
Martin Klimke, Vice Provost for Academic Policies and Governance, NYU Abu Dhabi
Zvi Ben-Dor Benite, Associate Vice Chancellor for Global Network Faculty
Carol Morrow, Vice Provost
Peter Gonzalez, Associate Provost, Faculty Appointments

C-FSC Steering Committee Members:

Larry Slater, C-FSC Vice Chairperson
Lauren Davis
Leila Jahangiri
Tommy Lee
Beverly Watkins
Ethan Youngerman

Heidi White, C-FSC Personnel Policies & Contract Issues Committee Chair

Wen Ling, T-FSC Chairperson

Recommendations of the C-FSC in regard to:

NYU ABU DHABI

**Policies and Procedures for Appointment, Reappointment, and Promotion
of Full-Time Continuing Contract Faculty**

BACKGROUND

In the fall semester of the academic year 2018/19, the NYUAD Faculty Council Steering Committee in collaboration with the NYUAD Contract Faculty Senators initiated a revision process of the existing NYUAD Guidelines for Full-Time Continuing Contract Faculty (CF) Appointments. A vote by the NYUAD Faculty Council on December 9, 2018 on the revised version of the guidelines among our faculty via the electronic Helios Voting system produced the following result: “Should the current version of the 2018 Revised Contract Faculty Guidelines be adopted?” The results were: Yes 107, No 6, and Abstain 31. (The official NYUAD faculty count as of November 2018 is 107 Continuing Contract Faculty, plus 119 Tenured/Tenure Track and 41 Other Faculty, adding up to a total of 267. The total faculty voter turnout is thus 53.93%). After consultations between NYU Vice Provost Carol Morrow and Martin Klimke (NYUAD Vice Provost for Academic Policies & Governance), another vote was held via the electronic Helios Voting system at the beginning of this spring semester (January 27, 5pm-February 10, 5pm) to provide you with detailed information about how this policy was endorsed by the Tenured/Tenure track faculty and Continuing Contract faculty. The results were Yes 116; No 6; Abstain 19. On March 7, 2019, the Provost Fabio Piano submitted the document to NYU Provost, Katherine Fleming.

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.” As part of the process of finalizing the Abu Dhabi policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called “11292018-NYUAD_CF Guidelines”, adopting the same perspective (per letter of March 7, 2019 from Katherine E. Fleming to the C-FSC and T-FSC Chairs).

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.

OVERALL RECOMMENDATIONS:

RECOMMENDATION 1

We recommend the inclusion of a section that describes faculty participation in shared governance. At present, the document refers to the NYUAD Grievance Committee Charter, but according to our information, the aforementioned document is yet to be created.

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. The NYU AD Grievance Committee Charter needs to be sent to the Provost for our review.

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.

RECOMMENDATION 2

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, etc.).”

RECOMMENDATION 3

We recommend a clear description of each type of faculty and of each rank, along with the specific requirements for reappointment, and promotion for each rank. As is, the policy is unclear as to what is required for promotion from one rank to another. These requirements are a necessary component of a reappointment and promotion policy.

RECOMMENDATION 4

Since Continuing Contract faculty are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations is necessary. This is important because in some schools Continuing Contract faculty primarily have teaching responsibilities, while in other schools Continuing Contract faculty are expected to maintain an active scholarly, research, creative and/or professional life. For faculty in schools without continuing research/creative expectations for Continuing Contract faculty, continued creative, intellectual, and scholarly engagement in their fields can be encouraged, though not required, as appropriate to the area of the appointment.

For those schools, a model might be the following (adapted 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>):

“Continuing Contract Faculty lines differ from tenure-track lines. Although continuing contract lines are without tenure, they are typically multiyear and research is not part of their formal responsibilities, and hence teaching loads are greater.”

We recommend that for faculty in schools with continuing research/creative expectations for Continuing Contract faculty, a model might be the following:

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

RECOMMENDATION 5

Review document for consistency in language on the length of an initial contract.

RECOMMENDATION 6

The word “typically” is used often within the policy. We recommend more clarity. See recommendations below.

NEW YORK UNIVERSITY ABU DHABI

Guidelines for Full-Time Continuing Contract Faculty (CCF) Appointments

INTRODUCTION

Full-Time Continuing Contract Faculty (referred to as Continuing Contract Faculty) represent a distinct and vital part of the university academic community and contribute significantly to the university’s academic and service missions. Policies applicable to this group of faculty members must reflect the contributions that they make to the university’s commitment to academic excellence and service (including administrative responsibilities), while also embodying the university’s right to require exceptional teaching, scholarship and creative/artistic activities (where applicable), and service of all full-time faculty.

The NYU Abu Dhabi Full-Time Continuing Contract Faculty Guidelines (the Guidelines) set forth the principles and procedures for appointments, reappointments, and promotions at NYU Abu Dhabi. The purpose of these Guidelines is to map out the review principles and processes for Continuing Contract Faculty at NYUAD. They are designed to support standards of academic excellence in the processes of appointments, reappointments, and promotions and aim to provide a comprehensive and fair review of the candidates.

These guidelines shall apply to all appointments, reappointments, and promotions henceforth. Upon reappointment review for existing contracts, these guidelines shall apply with respect to, for example, review procedures, notification, consistency in case of reappointments with regard to length of contract, rank and title, etc. These guidelines shall apply immediately to all new appointments.

RECOMMENDATION 7

The New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II., Formulation of School Policies, paragraph 2, sentence 1, 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 FTCCF shall participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

Clarify specifically and explicitly the process of consultation with the Continuing Contract faculty.

We strongly recommend that any development of this policy follow the letter and the spirit contained in the above quote from the New York University Guidelines for Full-Time Continuing Contract Faculty, allowing the Continuing Contract faculty, acting according to the school's governance structure (e.g., its Faculty Assembly or similar body, faculty meeting, etc.), an active, essential and meaningful role in forming and approving any new policy, which policy must necessarily include the grievance/appeal process.

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

These Guidelines are being implemented at NYU Abu Dhabi (NYUAD) to supplement NYU faculty policies applicable to Full-Time Continuing Contract Faculty as outlined in the NYU Faculty Handbook.¹ If any part of these Guidelines is inconsistent with NYU policies, the NYU policies then in effect will control.

Scope

These Guidelines apply to all NYUAD Continuing Contract Faculty. The titles currently held by Continuing Contract Faculty at NYUAD are the following:

- Arts Professor (Associate Arts Professor, Assistant Arts Professor)
- Professor of Practice (Associate Professor of Practice, Assistant Professor of Practice)
- Senior Language Lecturer (Language Lecturer)
- Senior Lecturer (Lecturer, Associate Lecturer, Assistant Lecturer)
- Teaching Professor (Associate Teaching Professor, Assistant Teaching Professor)
- Research Professor (Research Associate Professor, Research Assistant Professor)

¹

<https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty.html>

- Global Professor
- Professor (Associate Professor, Assistant Professor)

An ongoing review is determining the appropriateness and usage of these titles in conjunction with an assessment of faculty appointment policies at NYUAD as the institution has evolved.

Rights and Responsibilities

The responsibilities of Continuing Contract Faculty at NYUAD include, among others: teaching assignments, student advisement, program and committee responsibilities, scholarship and creative activities (where applicable), and avoidance of conflicts of interest.

The rights and privileges of NYUAD Continuing Contract Faculty are governed by the NYU Faculty Handbook and the NYUAD Faculty Governance Guidelines. They include, among others, academic freedom, leaves of absence, sabbaticals (when eligible), as well as serving as Principal Investigator on

internal research grants funded by NYUAD (when eligible).²

RECOMMENDATION 8

Add the following: NYUAD'S Faculty Guidelines can be found here:

<https://intranet.nyuad.nyu.edu/files/resources/faculty-governance-guidelines.pdf>

RECOMMENDATION 9

In schools where professional, scholarly and/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 explicitly stated in the policy.

In schools where the Continuing Contract faculty's responsibilities are exclusively teaching, professional development funds that support that faculty member's continued growth in teaching their field should be provided.

Participation in NYUAD Governance

Other than eligibility for tenure, and except for participation in tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty, Continuing Contract Faculty enjoy the same rights and responsibilities as tenured and tenure-track faculty members in the governance of NYUAD and in the academic divisions in which they teach. Voting rights at NYUAD are extended to Continuing Contract Faculty in accordance with the guiding principles of the NYU Faculty Handbook and the NYUAD Faculty Council. In accordance with University Bylaws, Section 82(c), *Faculty Membership, College and School Governance*, Continuing Contract Faculty may hold their own faculty meetings and may grant rights of attendance and voting privileges to other categories of faculty of NYUAD.

Future Amendments

As noted above, NYUAD is finalizing its procedures and processes for faculty nomenclature. Any amendment to these guidelines must be in writing and must be approved by the Provost of NYUAD, following consultation with the NYUAD Faculty Council, and the Provost of NYU. As with all NYUAD policies, these guidelines, or any provision hereof, are subject to change and the policies in effect at the time of an action will apply to that action.

RECOMMENDATION 10

The policy should follow the letter and the spirit contained in the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II., Formulation of School Policies, paragraph 2, sentence 1, which states:

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

manner in which school governance policies permit.” Add the following:

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

1. REVIEW PRINCIPLES

These guidelines regarding Continuing Contract Faculty shall apply to all appointments, reappointments and promotions, subject to the terms of the employment contract between the faculty member and NYUAD, and the laws of the United Arab Emirates (UAE).

Authorization

All faculty lines and appointments require prior authorization from the NYUAD Provost. All initial appointments, reappointments, and promotions of faculty shall be approved by the NYUAD Provost

² All NYUAD standing, full-time faculty currently have PI-status for internal research grant opportunities offered by NYUAD.

and are normally initiated by the relevant NYUAD Divisional Dean following consultation with the relevant faculty.

Criteria for Review

All contracts must include a clear statement of the criteria for each scheduled review for reappointment and/or promotion.

Guiding criteria for the formal review may include, without limitation:

- 1) commitment to excellence in teaching, as evidenced by, for example, syllabi and other course materials, course/program development and innovation, instructor development, student advising, capstone supervision, classroom observations, reports from program heads, self-presentation, samples of student works (scholarly or creative/artistic), evidence of learning beyond the classroom, student evaluations, etc.;
- 2) (when applicable) scholarly and/or artistic/creative activity, including, but not limited to, for example, research, publications, creative productions, exhibitions, and performances;
- 3) student advising and mentoring
- 4) service including, but not limited to, service to the University community and within and to one’s profession; and
- 5) additional academic roles and administrative responsibilities that contribute to NYUAD and the University’s educational, research, and service mission.

The expectations for achievement in teaching (based on contractually assigned teaching load/course equivalencies), service, and (if applicable) scholarly and/or artistic/creative activity, in order to achieve reappointment or promotion must be set out clearly in each individual contract.

In cases where professional, scholarly and/or artistic/creative activity are required or encouraged for reappointment and promotion, relevant funding to support this activity will be made available. In

addition, information will be shared and publicly announced about respective internal grant/funding opportunities (on a competitive basis and with clear designations of eligibility) to support this activity.

The career pathway for Continuing Contract Faculty must be specified in the initial contract (or any subsequent reappointment after these guidelines have come into effect). Faculty may choose whether to be evaluated for promotion or reappointment at the same rank. Candidates who apply for promotion and are unsuccessful will still be eligible for reappointment at the same rank. The relative criteria for promotion or reappointment are to be specified in the original letter of appointment.

RECOMMENDATION 11

The “relative criteria for promotion or reappointment” need to be part of a reappointment and promotion policy. Most, if not all, NYU policies include this criteria.

Probationary Period and Review

RECOMMENDATION 12

We suggest that the section on pages 4-5, entitled “Terms of Appointment” might precede this section. This change would avoid raising (an unwarranted) question about the conditions that would normally justify only a one-year appointment. Alternatively, there could be simply a parenthetical reference to the later section, e.g., “Contract duration is explained in the section on ‘Terms of Appointment’ (pp.4-5, below).”

Continuing Contract Faculty are typically appointed to multi-year contracts. In accordance with UAE law, all initial appointments is subject to a probationary period of six months. As is the case for all NYUAD employees, Continuing Contract Faculty employment is subject to the individual faculty member obtaining and maintaining all approvals, clearances, and documentation as required by UAE law.

The relevant NYUAD Divisional Dean will conduct an initial review of the candidate’s performance within the first six months of the first year of any contract. In the case of a one-year contract, a successful initial review will make the candidate eligible for a renewal of not less than one year.³ In the case of initial contracts of two or more years, a successful probationary review will lead to the continuation of the full contract.

RECOMMENDATION 13

There appears to be a range of time for an initial contract. It has been stated as one year or two years or more. Initial contract lengths needs to be clarified by providing examples for each type of initial contracts.

In the event of a decision to terminate the appointment following a negative initial review, the faculty member must be notified in writing of the probationary review decision in a timely manner, and no later than six months after the beginning of the first year of the contract.

Guiding criteria for review within the first six months of the first year of appointment may include, without limitation, commitment to excellence in teaching, as evidenced by, for example, syllabi and other course materials, course/program development and innovation, instructor development, student advising, classroom observations, reports from program heads, self-presentation, samples of student works (scholarly and/or creative/artistic), and evidence of learning beyond the classroom, student evaluations, etc.; and/or (when applicable) scholarly and artistic/creative activity, including, but not

limited to, for example, research, publications, creative productions, exhibitions, and performances; student advising; consistent service including, but not limited to, service to the University community and within and to one's profession; and additional academic roles and administrative responsibilities that contribute to NYUAD and the University's educational, research, and service mission. When appropriate, professional activities and the quality of service contributions to the division and to the university may be considered.

Renewal of Contracts

Continuing Contract Faculty shall be subject to formal review. Faculty on multi-year appointments shall be reviewed in the penultimate year of appointment. Faculty on a series of one and/or two-year contracts shall be reviewed in the first semester of the third year of continuous appointment.

A faculty member's eligibility to be considered for reappointment does not create a presumption in favor of reappointment, even if the faculty member has met or exceeded the expectations set out in the contract. Any review for reappointment and promotion shall consider major curricular and structural changes (e.g. termination of a program) and/or improvements in academic programs, even in those cases in which a candidate satisfies the appropriate standards of achievement for reappointment or promotion. Major curricular or structural changes do not, however, automatically warrant a denial of reappointment. In the case of such changes, the review considers whether the faculty member is able to teach in the revised curriculum or new academic structure and, if so, in what capacity.

If it is established (based on the aforementioned stipulations) by the beginning of the penultimate year of the contract that a position is to be eliminated at the end of the contract term, there is no review and reappointment process; the faculty member shall be so notified in writing by the end of the first month of the penultimate year. However, the faculty member may request a performance review for career development to be conducted within a time framework specified

Terms of Appointment

Continuing Contract Faculty are typically appointed for a period of three to five years:

- Rank of Assistant Professor/Lecturer: 3 years.
- Rank of Associate Professor/Lecturer: 4 years.
- Rank of Full Professor/Lecturer/Senior Lecturer: 5 years.

RECOMMENDATION 14

We recommend that the word "typically" (stated above) be deleted or replaced with explicit criteria for renewal.

RECOMMENDATION 15

At NYU, an appointment of at least five years is the norm for Clinical Associate/Lecturer. Provide an increase in term of appointment as follows: Associate Professor/Lecture: 5 years. We also recommend an increase in term for Full Professor/Lecturer/Senior Lecture to 6 years; this is the case at certain schools (e.g., The Gallatin School).

Reappointment after the completion of a successful review process must be at the same rank (except in

³ Nothing precludes candidates for renewal from voluntarily requesting contracts of less than one year.

cases of promotion) with consistency in title and will typically be at least for the same duration as the previous contract length.

RECOMMENDATION 16

We recommend that the word “typically” (stated above) be deleted or replaced with explicit reasons for a change in contract length.

In some cases, Continuing Contract Faculty appointments can be made for a period of one or two years at the faculty member’s request or to address a specific academic need or a major programmatic change. Typically, faculty members on continuous one-year appointments are expected to move to multi-year appointments after the completion of two consecutive, successful review processes.

RECOMMENDATION 17

We recommend that the word “typically” (stated above) be deleted or replaced with explicit reasons as to why faculty members on continuous one-year appointments do not move to multi-year appointments. Please see recommendation #2.

In case of a negative review, the final year of the contract will become the terminal year of appointment.

On an exceptional basis, an additional one-year extension may be offered upon prior authorization by the NYU Provost; a successful formal review by the end of the then penultimate year of the contract may result in a multi-year reappointment.

Notification

For Continuing Contract Faculty on a contract of three or more years (both on an initial or subsequent three or more years contract), the review process for reappointment will take place in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the academic year of the penultimate year of the contract (i.e., August 31, in most cases).

Continuing Contract Faculty on a one or two-year contract will be notified of the reappointment decision by no later than 180 days prior to the expiration date of the appointment (i.e., March 1, in most cases).

<u>Contract Term</u>	<u>Docket Materials Due</u>	<u>Timing of Review Process</u>	<u>Notification</u>
Probationary period and review for all initial contracts	N/A	Within first six month of employment	180 days after the start date of the appointment (by March 1, in most cases)
Initial or Subsequent 1 or 2-Year Contract	N/A		180 days prior to expiration date of the appointment (by March 1, in most cases)
Consecutive 1 or 2-Year appointments	Typically by October 1	First semester of the third year of continuous appointment	180 days prior to expiration date of the appointment (by March 1, in most cases)

Multi-Year Contracts of 3+ Years	Typically by December 1	Final semester of the penultimate year of the contract.	No later than the end of the academic year of the penultimate year of the contract (typically by August 31)
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In connection with formal reviews for reappointment and promotion, NYUAD will make available to all faculty in print and/or on the faculty portal:

- i. Statement of the academic criteria in the areas of teaching, program and/or curriculum and course development, research (where appropriate), the creative and performing arts (where appropriate), and program and school service that will guide the committee’s evaluation.
- ii. Statement of the criteria of assessment in effect at the time.

RECOMMENDATION 18

Recommend clarifying the ambiguity of the phrase, “at the time.” This could be a factor in a grievance. Is the intent “at the time of *appointment*” or “at the time of *the review*”?

- iii. Calendar for reviews and communication to faculty members that accords fair and timely notice of a review and of its outcome in writing, as well as adequate notice to faculty to pursue alternative employment in the event of a negative decision.

In addition to reviews at the time of potential reappointment, Continuing Contract Faculty on a contract greater than one year must submit an annual activity report to the relevant NYUAD Dean. In addition, NYUAD may carry out formal performance assessments (not more frequently than annually) in the course of multi-year appointments that are at least three years.

RECOMMENDATION 19

It is not clear why “formal reviews” are taking place, except for reappointment and promotion. It seems a contract faculty member may be subject to a formal review at any time. What is included in the “formal review”? What is the process? What is the purpose? We recommend that the last sentence above be deleted, unless clarified.

2. FORMAL REVIEW PROCESS FOR REAPPOINTMENT

The review process for reappointment commences when a candidate for reappointment submits his or her docket for review to the relevant NYUAD Dean in accordance with the timeline above.

Preparation of the Docket Materials

Each division/program or area may determine, with approval from the Provost and relevant Dean, the exact makeup of the reappointment and promotion docket, as appropriate to the specific area or discipline. Normally, dockets should include:

- a. A summary of most salient accomplishments in the statutory areas of review, including teaching philosophy, strategies, and goals; scholarship and creative/artistic achievements; administrative responsibilities; and service to NYUAD. (This summary should normally not exceed 2–3 pages in length and in no case shall exceed 5 single spaced pages.) This

summary should be accompanied by a copy of the criteria for review as specified in the original letter of employment.

- b. A current, up-to-date CV. The CV may be updated as the process continues to reflect changes in academic achievement and accomplishment).
- c. Materials that demonstrate teaching effectiveness (e.g., faculty course evaluations, peer observations of teaching, formal assessments of teaching effectiveness, syllabi, lecture notes, assignments or URL, and other relevant documents).
- d. Demonstration of service to the NYUAD Community (e.g. curriculum development, faculty governance, student mentoring, etc.).
- e. Where applicable, a professional portfolio (showing publications, creative productions, performances and professional development) demonstrating significant contributions to the field during the appointment period.
- f. Other evidence appropriate to the candidate's discipline.
- g. Candidates are encouraged to include any additional evidence that he or she believes bears on the case for reappointment or promotion, not otherwise identified above.

Faculty Review Committee

- a. The NYUAD Divisional Dean, in consultation with the Program Head or the research center director (when applicable), appoints and charges the Faculty Review Committee.

RECOMMENDATION 20

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

For the composition of the committee, please see section 4.

- b. Candidates for reappointment or promotion will be notified by the end of the first month of the academic year in the penultimate year of an appointment that they are eligible for review.
- c. Candidates will submit materials for review to the NYUAD Divisional Dean prior to the end of the first semester of the penultimate year of the contract (typically by December 1).
- d. The NYUAD Divisional Dean forwards the materials for review to the committee, which assesses it based on the review criteria specified in the candidate's contract and formulates a recommendation for or against reappointment.
- e. The committee submits its recommendation to the NYUAD Divisional Dean along with a written explanation of its assessment. A majority vote of the committee is required for recommendation for reappointment. The committee prepares the written recommendation on reappointment, including any minority opinions. One or more members of the committee may prepare the written recommendation but each member of the committee will review and sign it before it is submitted to the relevant NYUAD Dean.

RECOMMENDATION 21

We recommend that that candidate under review should get a copy of the review committee's letter.

NYUAD Dean

- a. The relevant NYUAD Divisional Dean reviews the recommendation of the Faculty Review Committee and submits his/her recommendation to the NYUAD Provost together

with all materials of the docket. The NYUAD Provost may, in turn, seek additional information, and/or internal or external reviews.

- b. In formulating his/her decision, the NYUAD Divisional Dean may seek additional information (including, but not necessarily limited to, internal or external letters of review of the candidate's professional contributions, e.g. student evaluations of teaching, internal letters of review of the candidate's teaching, and service contributions). In the event that external letters are solicited, these evaluators should not be scholars or artists with whom the candidate has been closely associated, such as a thesis advisor, co-author, joint producer, or other close associates.

QUESTION - 22

Is this possibly too categorical an exclusion? While it may be customary to exclude a thesis adviser, if the candidate worked on a collaborative research or creative project or co-authored important journal articles or books at some distinct period in the past (5-10 years, for example) with certain individuals, wouldn't their perspectives on the candidate (and his/her continued productivity in their fields) be of some merit?

- c. If the NYUAD Divisional Dean's decision is contrary to the recommendation of the Faculty Review Committee on reappointment, title, or length of contract, the Dean will provide the committee with reasons for not accepting its recommendation. In case a Dean's decision not to reappoint the candidate is contrary to the committee's recommendation, the committee members will have ten business days in which to provide additional feedback to the Dean before the Dean's decision is finalized and submitted to the NYUAD Provost.
- d. The Provost conveys his or her decision to the NYUAD Dean. The NYUAD Divisional Dean then conveys the decision to the candidate in writing.
- e. The outcome of the review process will typically be discussed by the NYUAD Dean with the candidates in person.
- f. In the case of a negative decision, candidates may avail themselves of the grievance procedures outlined in section 6 ("Grievance Procedures").
- g. Continuing Contract Faculty on a one or two-year contract will be notified of the decision no later than 180 days prior to the expiration date of the appointment and in the case of reappointment, receive a contract within the next 4 months. Continuing Contract Faculty on a contract of three or more years will be notified no later than the end of the academic year of the penultimate year of the contract (i.e. August 31, in most cases) together with a contract for reappointment or a written notification of non-reappointment.
- h. In the event of a decision to reappoint, the Continuing Contract Faculty shall complete the remainder of his/her term and shall be reappointed, normally, for another contract of equal or greater length.
- i.

RECOMMENDATION 23

We recommend that the word "normally" be deleted, unless explicit criteria is offered as to why the faculty member would not receive another contract after a successful reappointment review.

- j. In the event of a decision not to reappoint, the Continuing Contract Faculty member shall continue to be under contract until the end of the contract expiry date.

3. FORMAL REVIEW PROCESS FOR PROMOTION

The process for promotion is initiated by the candidate who confirms his/her eligibility with the relevant NYUAD Divisional Dean. The criteria for promotion are set out in each Continuing Contract Faculty's contract, but typically to merit promotion, a candidate must demonstrate a record of outstanding teaching and service and (if applicable) distinguished professional accomplishments. Years served in previous institutions may be taken into consideration.

RECOMMENDATION 24

Again, eligibility requirements need to be provided for each title promotion.

- a. Assistant / Associate Lecturers may be considered for promotion to the next rank after one term of appointment (of at least 3 years) at rank. Lecturers may be considered for promotion to the next rank after two terms of appointment (of at least 4 years) at rank. For professorial ranks, faculty at the assistant level may be considered for promotion after two terms of appointment (of at least 3 years) in rank. Faculty at the associate level may be considered for promotion after one term of appointment (of at least 4 years) in rank.
- b. Any faculty member may submit a request for early promotion to the relevant NYUAD Dean. A promotion ahead of schedule will be granted only under extraordinary circumstances. It is not normally in the best interest of a candidate or of the institution to propose candidates for promotion ahead of schedule.
- c. The review process for promotion is the same as the process for reappointment as outlined in section 2 of this document. The review committee will provide an assessment for contract renewal purposes, and in the same letter (if applicable) recommend whether the candidate meets the expectations for promotion.
- d. Any negative decision on an application for promotion shall not affect eligibility for the continuation or renewal of an existing contract.
- e. Continuing Contract Faculty appointments are normally not convertible to tenure track appointments. In rare cases, and then only with provostial approval, a non-tenure track position may be converted into a tenure track one for which the incumbent is eligible to apply within the search process. In these rare cases, conversion of a non-tenure track position into a tenure track position will not foreshorten an existing contract duration as could occur, for example, if the conversion occurred before expiration of an existing contract and the contractee was not selected for the tenured or tenure track appointment. However, a Continuing Contract Faculty faculty member must not be prohibited from applying for and being considered for any tenure track opening that arises within his or her school or elsewhere in the University; nor may his or her doing so be treated with prejudice.

NOTE- 25

Once promotion requirements for new titles are specified elsewhere in this document, this section will be clearer.

4. COMPOSITION OF FACULTY REVIEW COMMITTEE

- a. The NYUAD Divisional Dean will appoint a Faculty Review Committee of three or five faculty members. At least one member of the committee will normally be a senior member of the Continuing Contract Faculty. Whenever possible, the majority of committee members shall be Continuing Contract Faculty. The committee may also include members of the tenured faculty. Finally, the committee may include an external member (i.e. an scholar/artist from outside of NYU) who is an expert in the field.

RECOMMENDATION 26

As is the norm for many, if not all, contract-faculty policies at NYU, the review committee should be made up of elected, not appointed, members.

- b. In the usual case, the committee for reappointment or promotion shall be composed entirely of faculty of greater rank (whether tenured, tenure-track, or Continuing Contract Faculty) than the candidate, except in the case of a Full Professor, where all committee members need to have the rank of Full Professor. Typically, the majority of the committee shall be from the same academic discipline as the candidate. Typically, at least one member of the committee must be an NYUAD faculty member. Other members may be drawn from faculty at NYU portal campuses in New York and Shanghai.
- c. In the review of any particular case, committee members shall recuse themselves in the case of an apparent or actual conflict of interest.
- d. The committee may seek additional information (including, but not necessarily limited to, internal or external letters of review of the candidate's professional contributions). In the event that external letters are solicited, these evaluators should not be scholars or artists with whom the candidate has been closely associated, such as a thesis advisor, co-author, joint producer, or other close associates.

5. GROUNDS FOR STOPPING THE CONTRACT CLOCK

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 or negotiation.

QUESTION - 27

Why the restriction on the term "domestic partner"? Should the sex of the domestic partner matter? Is this simply intended to acknowledge a recognized, binding relationship?

6. GRIEVANCE PROCEDURE

Who Can Grieve

With respect to grievances related to reappointment and promotion: A Continuing Contract Faculty member 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 or the terms of reappointment or promotion; and they are entitled to grieve in the event they are denied reappointment without review for reasons other than elimination of the position.

Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event the third-year review process leads to a negative decision; and they are entitled to grieve the process in the event they are not reappointed after a third year review when a review had been explicitly promised in connection with the possibility of reappointment subject to it, but was not undertaken for reasons other than elimination of the position.

Continuing Contract Faculty who are subject to a review process to determine whether they are to be promoted have a right to grieve the process in the event it leads to a negative decision.

With respect to grievances related to other matters: All Continuing Contract Faculty, including faculty on one-year appointments, are eligible to grieve.

Grievances Related to Reappointment and Promotion

Grievances related to reappointment and promotion of Continuing Contract Faculty are restricted to allegations of procedural defects and irregularities. Outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of university-protected rights of faculty members.

Thus, a grievance must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant. A decision not to undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.

Informal Settlement

In the case of grievances related to reappointment and promotion, attempts shall be made to settle the dispute in a timely manner (typically within 15 working days after the request for an informal settlement) by informal discussions between the grievant and the NYUAD Provost, possibly with the assistance of mediators.

RECOMMENDATION 28

Add the following language:

“The grievant can also exercise the right to not have an informal discussion of the grievance with the NYUAD Provost, with or without the assistance of mediators. The grievant may then appeal to the NYUAD Vice Chancellor to convene the NYUAD Grievance Committee. The NYUAD Grievance Committee will be convened with 15 days of the faculty’s written notification.”

NYUAD Vice Chancellor and NYUAD Grievance Committee

In the event that the grievance is not settled informally at the level of the NYUAD Provost, the faculty member may appeal to the NYUAD Vice Chancellor to convene the NYUAD Grievance Committee, which is elected and appointed in accordance with the NYUAD Governance Guidelines and the NYUAD Grievance Committee charter.

QUESTION & RECOMMENDATION 29

How is the committee formed? The NYU Grievance Committee Charter does not yet exist, according to our information. The constitution of the grievance committee (how it is formed; who is a member, etc.) must be included in a contract-faculty policy on reappointment and promotion. Please see Recommendation #1.

The NYUAD Vice Chancellor must convene the NYUAD Grievance Committee within 15 business days of receipt of written notice of the faculty member's appeal. In the event that the NYUAD Vice Chancellor does not convene the NYUAD Grievance Committee within said time, the faculty member has the right to bring it to the attention of the Provost of NYU.

RECOMMENDATION 30

In the case of schools where a division dean receives the committee report and passes that with a recommendation to reappoint or to promote to the NYUAD Provost, add language to ensure that NYUAD's Provost receives the full record and recommendation of the Review Committee, as well as the recommendation of the divisional dean, similar to the following:

"The divisional dean must forward the review packet to the NYUAD Provost along with the committee's recommendation and any comments from the faculty."

RECOMMENDATION 31

Add language similar to the following:

"In all cases of an appeal to a negative decision related to reappointment or promotion by the NYUAD's Provost, the candidate will have access to the Review/Promotion Committee's full report, including its recommendation and any comments from the faculty."

The grievance committee will then hear evidence and report to the NYUAD Vice Chancellor in writing on its findings of fact and its opinion on a fair disposition of the case. The NYUAD Grievance Committee does not judge the professional merits of the case and only considers the appeal based on the grounds specified above. After deliberation, the NYUAD Grievance Committee advises the NYUAD Vice Chancellor of its recommendation.

The NYUAD Grievance Committee will provide its recommendation to the NYUAD Vice Chancellor within 30 business days of the convening of the committee. .

RECOMMENDATION 32

Add the following language:

"The Grievance Committee Chair shall provide the grievant with status updates every 60 days for the duration of the process."

For grievances brought by a member of the Continuing Contract Faculty, the NYUAD Grievance Committee will be expanded to include at least two seniors member of the Continuing Contract Faculty, if two senior members of the Continuing Contract Faculty are not already on the faculty-appointed Grievance Committee (bringing it to a total of seven member

The NYUAD Vice Chancellor reviews the NYUAD Grievance Committee's recommendation and all pertinent information, decides the case, and notifies the faculty member and the NYUAD Grievance Committee in writing of his/her decision, together with reasons therefore and information about the procedure for appeal, no later than 15 working days after receiving the recommendation of the NYUAD Grievance Committee.

RECOMMENDATION 33

Add the following language (paraphrased from the Liberal Studies Reappointment and Promotion Policy, February, 2018) "If the committee's report is accepted by both the grievant and the Vice Chancellor, the matter shall be considered settled. However, if the Vice Chancellor 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 Vice Chancellor 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."

As a standing committee of the faculty, the NYUAD Grievance Committee 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 or on appeal).

RECOMMENDATION 34

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. Please see Recommendation #1.

Provost of NYU

If the decision of the NYUAD Vice Chancellor is not satisfactory to the faculty member, he or she may, within 15 working days of receipt of the NYUAD Vice Chancellor's decision, appeal in writing to the Provost of NYU (or his/her designee) specifying all grounds for and materials in support of the appeal.

Appeals from the NYU Abu Dhabi Vice Chancellor's decision can be made only on the basis of the grounds specified above. Where such an appeal is made, the NYUAD Vice Chancellor will transmit to the Provost of NYU a report of the proceedings in the case at its earlier stages.

The Provost of NYU will decide the case, and notify the grievant and the NYUAD Vice Chancellor. If the advice of the latter is not followed, the reasons will be reported with the decision. The decision of the Provost of NYU is final and subject to no further review.

RECOMMENDATION 35

Appeals should follow the spirit of the NYU Faculty Handbook. The Faculty Senate Grievance Committee should be convened for appeals. Why would contract-faculty at Abu Dhabi NYU not receive the same consideration as NYU contract faculty in New York?

7. CONTACTS

Subject Contact

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