



Date: September 14, 2022

Memorandum to: Georgina Dopico, Interim Provost

From: Noelle Molé Liston
Chairperson, C-Faculty Senators Council
A/Y 2022-2023

Subject: C-Faculty Senators Council Review: Revisions to NYU Stern School of Business Policy on Continuing Contract (“Clinical”) Faculty

The C-Faculty Senators Council submits the attached recommendations regarding the Stern School of Business Policy on Continuing Contract (“Clinical”) Faculty. These recommendations were approved by the Council on September 13, 2022.

cc: Raghu Sundaram, Richard R. West Dean, Leonard N. Stern School of Business
Kristen Day, Vice Provost
Peter Gonzalez, Associate Provost for Academic Appointments

David K Irving, T-FSC Chairperson

C-FSC Steering Committee Members:

Thomas Blaylock, Vice Chair
Sylvia Maier, Secretary
Gay Abel-Bey
Beth Latimer
Robin Mitnick
Ethan Youngerman

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

Continuing-Contract Faculty Council's Recommendations

Submitted Sept. 7, 2022

Recommendations of the C-FSC in regard to:

NYU Stern Continuing Contract Faculty Guidelines for Appointment, Evaluation, Reappointment, and Promotion

BACKGROUND

From Raghu Sundaram, Dean, NYU Stern:

I am pleased to share with you a proposed update of Stern's Policy on Clinical Faculty. This reflects many months of work, including Kris Day's thoughtful responses to several iterations. The policy itself includes the following language:

The Faculty Handbook requires that each school establish its own policies governing the appointment, review and reappointment of full-time continuing contract faculty, conduct a five-year review of the school's policy, and establish a formal process for periodic reviews thereafter. No later than every five years, a committee will review the policy. The committee will be comprised of department chairs and at least one representative of the clinical faculty at large, to be nominated by the Stern representative to NYU's Full-time Continuing Contract Faculty Senators' Council. Any amendment to this Policy must be in writing, and submitted to the Stern Faculty Council and to Stern's representatives to the Full-time Continuing Contract Faculty Senators' Council for discussion and approval.

Although the policy was not due for its formal five-year review until 2022-23, minor clarifications were needed, and this resulted in a reorganization of the entire document. We will conduct the next review no later than five years from now, in or before 2027-28. We followed the review procedure as outlined in the policy, ensuring that numerous clinical professors were involved. Specifically:

- The initial review committee consisted of Susan Stehlik, Clinical Professor and Program Director of Management Communication, Steven Blader, Professor and Department Chair of Management & Organizations, and Batia Wiesenfeld, Professor of Management

and Program Director of Business & Society. (The Management Communication and Business & Society programs are made up almost entirely of clinical faculty.)

- Stern’s representatives to the CFSC (Maria Patterson, Naomi Diamant, and Joe Foudy) nominated Simon Bowmaker, Clinical Professor of Economics, to review the policy, and also reviewed it themselves.
- Stern’s elected Faculty Council reviewed the policy.
- Stern’s Department Chairs have reviewed the policy.
- Stern’s Vice Deans have reviewed the policy.

The bulk of the substantive changes were made by the initial review committee; all other reviewers made either no changes or merely editorial suggestions. No changes were made as a result of the Faculty Council’s review.

Stern does not put any detailed policies up for faculty votes. This includes our Promotion and Tenure guidelines (revised most recently in 2019). The School relies on a representative governance model, running the proposed policies through a number representative groups including the Faculty Council and Department Chairs and obtaining their unanimous assent. Accordingly, the faculty at-large did not vote on this policy. We look forward to your, and the FSC’s, review of our revised policy. I attach our final draft as well as a comparison to the previous version. (Feb. 25, 2022)

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As part of the process of finalizing the revisions of the Stern Policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called: “NYU Policy on Continuing Contract (“Clinical”) Faculty:

At NYU, our strong tradition is for schools to develop policies that are ‘consistent with school culture and history.’ Within that tradition, the 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 revisions to the Stern Policy on Continuing Contract (“Clinical”) Faculty, I am inviting the C-FSC and the T-FSC to comment on the document, adopting the same perspective. The Council’s timely review of this document will be appreciated. As is our practice, the Provost’s Office will consider the Council’s comments in consultation with the Stern School before finalizing the document. (Feb. 23, 2022)

NOTES FROM THE C-FSC COMMITTEE ON PERSONNEL POLICIES & CONTRACT ISSUES

1. The following document will enumerate various comments and recommendations to the

submitted policy. The recommendations are made (in blue) within the body of the document for ease of review and discussion.

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



POLICY ON CONTINUING CONTRACT (“CLINICAL”) FACULTY

Effective February 1, 2017

Revised May 3, 2019

Revised DATE, 2022

1. Background

This policy is consistent with, and incorporates by reference, the University’s Faculty Policies Applicable to Full-Time Continuing Contract Faculty, which may be found in the Faculty Handbook [here](#). Note that the term “department” is used throughout this document to include programs, areas, and departments. The term “clinical” refers to “full-time continuing contract” faculty.

The Faculty Handbook requires that each school establish its own policies governing the appointment, review and reappointment of full-time continuing contract faculty, conduct a five-year review of the school’s policy, and establish a formal process for periodic reviews thereafter. No later than every five years, a committee will review the policy. The committee will be comprised of department chairs and at least one representative of the clinical faculty at large, to be nominated by the Stern representative to NYU’s Full-time Continuing Contract Faculty Senators’ Council. Any amendment to this Policy must be in writing, and submitted to the Stern Faculty Council and to Stern’s representatives to the Full-time Continuing Contract Faculty Senators’ Council for discussion and approval.

Recommendation:

A review of a school’s policy should include *more* than at “least one representative of the clinical faculty at large” on the review committee. Such a number (“at least one”) is highly unusual, and our committee is fairly certain that no other NYU school policy for contract faculty is so limited in contract faculty representation.

Including at least one contract faculty member does not follow the letter and the spirit of 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 that there is the “*expectation that FTCCF shall*

participate in in formulating and/or amending the school policy.” We quote the section in its entirety:

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.

We 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.

Thus, going forward, we recommend that contract faculty be given a more robust role in the formulating or amending of the reappointment and promotion policy. We recommend an increase overall in contract faculty representation.

This policy is being implemented by the Stern School of Business to supplement University policies applicable to full time continuing contract faculty. If at any point the Stern policy is inconsistent with NYU policies, the NYU policies then in effect will control. As with all NYU policies, this policy is subject to change and it is the policies in effect at the time of the action that apply.

2. Establishing a Position

The decision to establish a clinical faculty position as opposed to a tenure-track position requires consultation with members of the department concerned and approval of the dean, and is reviewed by the Provost as part of the annual staffing plan. All clinical faculty members occupy full-time faculty budget lines.

3. Responsibilities

Clinical faculty members play a key role at Stern. By contributing to the academic process at Stern through their full-time commitment to teaching, and through service activities, clinical faculty complement the tenured and tenure track faculty in fulfilling Stern's mission. Thus, their primary responsibility is teaching courses that are critical and often required components of the school's curriculum, including both undergraduate and graduate core courses. Another key responsibility is to effectively engage in service activities, such as directing and/or participating in academic programs and centers, initiating new programs, course coordination, committee work, advising students and working with student clubs. Clinical faculty members' service responsibilities and expectations are commensurate to their rank. Any responsibilities that affect the teaching load will be defined in respective appointment letters.

4. Terms of Appointment

Appointments and reappointments of clinical faculty are made for fixed renewable terms. The contract will stipulate start and end dates of the appointment, an indication of whether the appointee is eligible

to be considered for reappointment, responsibilities, compensation and agreement to be bound by applicable University policies. In accordance with University Bylaw 87 (b), the appointment of clinical faculty automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

The initial appointment term of clinical faculty of all ranks, including the Professor of Management Practice, is typically for one to two years, depending on prior teaching experience. Following the initial term of appointment, clinical faculty may hold renewable contracts of varying lengths: “short contracts” of one or two years, “standard contracts” of three years, or “long contracts” of four or more years. Short contracts may be offered on an exceptional basis for various reasons including changing curriculum and course demand, questions or concerns about performance issues, or at the faculty member’s request. In such cases, the individual will be notified of the reason for the short contract. The standard contract term is three years. Contracts for longer than three years may be offered in exceptional circumstances to clinical faculty members above the rank of assistant professor, with a demonstrated record of continuous exceptional teaching performance and an unusual level of service or academic contribution to the school.

Unless otherwise specified in the individual contract, clinical faculty appointments may be renewed indefinitely.

5. Titles and Qualifications

All clinical faculty members are expected to be actively engaged in teaching and service responsibilities, and to bring to the school and classroom important subject matter and/or industry expertise. All clinical faculty members must hold a graduate degree. Clinical faculty are not eligible for tenure; they are typically contracted for multiple years.

Recommendation:

Include the following: “For clinical faculty whose responsibilities are primarily administrative, those responsibilities will be taken into account in reviews for reappointment or promotion.” This is the case at many schools, e.g., Center for Urban Science and Policy (CUSP), FAS Clinical, FAS Language Lecturers, Institute for the Study of the Ancient World (ISAW), Liberal Studies, and Steinhardt.

Most new full-time continuing contract appointments are made at the rank of Clinical Assistant Professor, but initial appointments at higher ranks may be appropriate for individuals with noteworthy experience, as outlined below.

Clinical Assistant Professor: Typically the initial appointment for clinical faculty members.

Clinical Associate Professor: Typically an experienced teacher with a strong record of either sustained achievement in the classroom or industry experience. In addition, evidence or likelihood of a substantial service contribution to the school is expected.

Clinical Professor: Typically an experienced teacher with a record of either extraordinary achievement in the classroom or significant industry leadership experience. In addition, evidence or likelihood of leadership and significant contribution to the school's reputation and/or significant exercise of administrative responsibilities is expected.

Recommendation:

As is the case in most, if not all, school policies for Continuing Contract Faculty, the contract length for each title is explicitly stated. Most, if not all, school policies indicate contract length of 3/5/5 years (Clinical Assistant, Clinical Associate, and Clinical (Full) Professor respectively).

We strongly recommend that contract length be explicitly stated with each title. The norm at NYU is three years for Clinical Assistant, five years for Clinical Associate, and five or more years for Clinical Full.

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 some schools, e.g., Gallatin and Tisch.

We strongly recommend the following language:

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

Recommendation:

The length of contract for subsequent contracts is unclear. Add the following language after each title and contract length:

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

Clinical Professors with the honorific designation of “Professor of Management Practice”: This title is reserved for faculty who join Stern after distinguished careers in fields related to business practice. These individuals contribute to the teaching and research mission of the school by bringing "managerial practice" into the classroom and serving as an important resource for their colleagues.

6. Initial Appointment

Nominations for appointments of candidates to clinical faculty positions are put forward by the respective departments via the same channels as nominations for tenure-track appointments, and are

subject to the same departmental review processes before they are forwarded to the dean. The contract will state the teaching load and any other agreed-upon duties.

The honorific designation “Professor of Management Practice” (“PMP”) is reserved for candidates who have had distinguished careers in business or related fields. Candidates should hold credentials appropriate for the work done as a practitioner, and should be able to relate non-academic experiences effectively to teaching assignments within the Stern School. As this title is used to designate professionals who have distinguished themselves as widely recognized senior leaders in key line or staff positions in major firms, it is typically used only for new appointments and only at the full professor level; gaining academic experience does not lead to promotion to PMP.

8. Annual Merit Reviews

Clinical faculty members are expected to adhere to the highest levels of performance and commitment to the university and the school and the highest standards of excellence in their fields. Specifically, they should demonstrate teaching excellence, as reflected by a combination of academically rigorous course content, teaching in courses of high strategic value to the school, pedagogical innovation, student ratings, student success consistent with high quality teaching, and enrollments. Evidence of teaching performance may include course materials (e.g. syllabi, lecture notes, assignments), course development and innovation, instructor development, peer classroom observations, online videos, self-presentation, samples of student writing as evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc. Clinical faculty members are also expected to make meaningful service contributions in their department and/or the school, by such activities as serving on committees, advising students, and attending school events. Service outside the school that supports Stern’s mission and brand is also encouraged. In agreement with their department chair/director, clinical faculty members who conduct research may have the AMR weights for teaching, service and research adjusted. The weight for research may not exceed 10% except in cases where the professor is a principal investigator on an externally-funded project, when it may not exceed 30%.

All clinical faculty members complete a Faculty Activity Report (FAR) each year for review by the department chair and vice deans. During the rigorous Annual Merit Review process each spring, the department chair presents to the vice deans and deans the activity and achievements of each faculty member, using the completed FAR as one source of information, and discusses areas requiring improvement. The department chair then provides written and oral feedback and recommendations to each faculty member. The feedback reflects the input gathered at the meeting with the vice deans and deans.

9. Reappointment

The review process and criteria for reappointment are such that only individuals who are continuing to make a significant contribution to the excellence of the school are reappointed. The specific criteria for evaluating performance are those set forth under [Annual Merit Review](#) guidelines.

Reappointment is also based on consideration of curricular and programmatic initiatives. Thus, the decision to reappoint may be influenced by curricular and structural changes and needs in academic programs (even in those cases in which a candidate may satisfy the appropriate standards of achievement). When a position is to be eliminated at the end of the contract term and no similar

position is vacant, reappointment does not occur. The faculty member may, however, request a performance review for career development.

Recommendation:

The policy should indicate that curricular or structural changes do not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining whether the professor can or cannot teach under the new curriculum or structure.

Add the following language (paraphrased from the Tisch Arts Professor Policy, the Tisch Teach Policy, the Gallatin Contract Faculty Policy, Liberal Studies, Center of Urban Science and Progress (CUSP), FAS, Abu Dhabi, Nursing, and Tandon):

“In such event, the review would focus on whether the faculty member would be able to teach in the revised curriculum or program, or shifted to another position. Evidence of such considerations should be maintained and provided.”

Reappointment Process:

- Candidate submits to the department chair the most recent CV and Faculty Activity Report (FAR). The teaching and service statements in the FAR may be augmented if needed. Additional teaching materials provide evidence of high teaching performance and should include:
 - Student evaluations since the last review (both an aggregated summary across courses and complete Course Faculty Evaluations (CE) reports for all course sections taught) (available from Office of Faculty Affairs)
 - Sample syllabi (or access to online teaching sites) (not more than three syllabi)
 - List of advisees (graduate and undergraduate)

Recommendation:

We recommend that the criteria for assessment be expanded beyond student evaluations, sample syllabi, and a list of advisees in order to assess “teaching performance” more accurately. Such an expanded list is included in most schools at NYU, e.g., Center for Urban Science and Progress (CUSP), Faculty of Arts & Science, Gallatin, Institute for the Study of the Ancient World (ISAW), Liberal Studies, Stern, Abu Dhabi, Shanghai, Nursing, School of Law, Steinhardt, Tandon, and Tisch.

For example, the following factors might be considered: course materials, lecture notes, assignments, course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, etc.

- The department Promotion and Tenure (“P&T”) Committee* members shall conduct a review, considering evidence of the candidate’s performance and accomplishments in the areas of teaching and service. The P&T Committee then meets to discuss and vote on the case. Majority opinion will be determined by secret ballot.

* For purposes of clinical reappointment, the department P&T Committee must include 1) at least two clinical faculty members at the same or higher rank than the candidate and 2) all the department’s tenured faculty. Of the two clinical faculty members, one must be the program director (if applicable), regardless of rank, and the other(s) must be at the same or higher rank than the candidate. If the department does not have at least two clinical professors who satisfy these criteria, the Vice Dean for Faculty and Research, in consultation with the department chair or program director, will appoint them from other departments.

- The Department Chair completes a Recommendation for Clinical Reappointment form. This must include the outcome of the vote, a summary of the basic arguments for or against reappointment and a statement of future potential. If the recommendation is for reappointment, this form, together with the materials submitted by the candidate, is forwarded to the Committee of Department Chairs and Vice Deans. If reappointment is not recommended by the department P&T Committee, the candidate is notified both in writing and in person according to the deadlines set forth below under Contract Terms.
- The Committee of Department Chairs and Vice Deans, not including the dean, reviews all of the reappointment materials, discusses, and then votes to support or not support the recommended renewal. A majority vote of the Committee shall be required for approval. All votes of the Committee shall be by secret ballot and re-voting shall occur only if new material becomes available. This Committee will provide to the dean a list of all candidates considered at the meeting indicating which reappointments were approved and any additional comments, along with the reappointment forms.
- If the dean's decision on reappointment or length of contract is contrary to that of the Committee of Department Chairs and Vice Deans, the dean will provide reasons to the Committee. The Committee will then have ten days in which to provide further information or counter-argument before the dean's decision is finalized. If a reappointment is not approved, the candidate is notified both in person and in writing, including the rationale for the decision, according to the deadlines set forth under Contract Terms below.

10. Contract Terms and Review Schedules

Contract terms fall into two categories, each with different review and notification schedules:

- Contracts of Three Years or Longer (“Standard” and “Long Contracts”)**
Reappointment of a clinical faculty member on a contract of three or more years requires a formal process that is conducted in the penultimate year of the contract and is completed by the end of that academic year. If the decision is not to reappoint, the faculty member shall be notified of the decision no later than August 31 of the penultimate year, and shall continue to be under contract for the final year.

Recommendation:

Again, as is the case in most, if not all, NYU school policies for Contract Faculty, promotion should be attached to longer contracts (usually 5 years for Clinical Associate and five years for Clinical Full). A few schools offer even longer contracts for Clinical Associate Professor and Clinical Professor, e.g., Tisch and Gallatin.

We recommend that contract length for each title should be explicitly stated in the policy. Subsequent contracts must be of at least the same length.

b. One- or Two- Year Contracts (“Short Contracts”)

Clinical faculty holding one- or two- year contracts will be reviewed for reappointment before the March 1 immediately preceding the end of their contract term. If the decision is not to reappoint, the faculty member shall be notified of the decision no later than March 15th, or at least 180 days prior to the termination date if the contract term ends on a date other than August 31.

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.

Terminal Contracts: If a reappointment letter states that it is for a final term, no reappointment process will take place.

Third Year Review: Though reappointment cannot proceed without a performance assessment, numerous factors render the sort of formal review appropriate for multi-year appointments unnecessary for clinical faculty on Short Contracts. That said, in the first semester of the third year of continuous appointments, and in the first semester of every subsequent third year, clinical faculty members with on-going Short Contracts shall be subject to formal review comparable to the review of faculty on Standard or Long Contracts.

c. Deadline for Materials

The department must submit reappointment materials to the Vice Dean of Faculty by January 25. Deadlines earlier in the process are set by each department.

11. Promotion

Clinical faculty can be promoted from Clinical Assistant Professor to Clinical Associate Professor or from Clinical Associate Professor to Clinical Professor, according to these criteria:

a. Promotion Criteria

Promotion to Clinical Associate Professor: The candidate's record must indicate evidence of excellent teaching performance and contributions to Stern's teaching programs through contributions that extend beyond one's own teaching and that enhance the teaching and curriculum at Stern more broadly. Service to the school is also expected, such as through program development, committee membership, advising and mentoring students and engaging in other activities that support Stern's educational mission.

Promotion to Clinical Professor: The candidate's record must indicate evidence of sustained excellent teaching performance and contributions to Stern's teaching programs through extraordinary contributions that extend beyond one's own teaching and that enhance the teaching and curriculum at Stern more broadly. In addition, institution-building service to the school is expected, through activities such as directing key academic programs or centers, initiating new programs, leadership on committees, developing the teaching and leadership capacity of colleagues, advising students and engaging in other activities that support Stern's educational mission.

b. Promotion process

At every reappointment review, the department shall simultaneously consider whether the candidate meets the criteria for promotion, unless the candidate chooses not to be considered. If the decision is to pursue promotion, this process is followed:

- Candidate submits to the department chair the most recent CV and Faculty Activity Report (FAR). The teaching and service statements in the FAR may be augmented if needed. Additional teaching materials provide evidence of high teaching performance and should include:
 - Student evaluations since the last review (both an aggregated summary across courses and complete Course Faculty Evaluations (CE) reports for all course sections taught) (available from Office of Faculty Affairs)
 - Sample syllabi (or access to online teaching sites) (not more than three syllabi)
 - List of advisees (graduate and undergraduate)

Recommendation:

Again, we recommend that the criteria for assessment be expanded beyond student evaluations, sample syllabi, and a list of advisees in order to assess "teaching performance" more accurately. Such an expanded list is included in most schools at NYU, e.g., Center for Urban Science and Progress (CUSP), Faculty of Arts & Science, Gallatin, Institute for the Study of the Ancient World (ISAW), Liberal Studies, Stern, Abu Dhabi, Shanghai, Nursing, School of Law, Steinhardt, Tandon, and Tisch.

For example, the following factors might be considered: course materials, lecture notes, assignments, course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, etc.

- Based on information provided in the candidate's statement, the Vice Dean of Faculty requests sources outside the department to address contributions made to the school or university. This could include committee chairs or program vice deans, among others, depending on the candidate's stated activities.
- Department P&T Committee* follows its department's standard policy as to whether the summary report will be compiled by the department chair or a subcommittee. The report summarizes the candidate's contributions and assesses whether the criteria for promotion are met. It includes a recommendation and is submitted to the Department P&T Committee.

* **For purposes of clinical promotion, the department P&T Committee must include: 1) all the department's full-time clinical faculty members at a higher rank than the candidate, 2) the program director or department chair, regardless of rank, and 3) all the department's tenured faculty at a higher rank than the candidate.** If the department does not have at least two clinical professors who satisfy these criteria, the Vice Dean for Faculty and Research, in consultation with the department chair or program director, will appoint them from other departments.

In the case of areas without tenured faculty, the Vice Dean of Faculty, in consultation with the program director, will appoint an ad-hoc advisory committee including the program director, one clinical faculty member of the same or higher rank as those being reviewed, and at least two tenured Stern faculty members (total of four people). If the program director is a tenured professor, an additional clinical faculty member at appropriate rank will be included, for a total of five people.

The department P&T Committee shall conduct a review, considering evidence of the candidate's performance and accomplishments in the areas of teaching and service and if applicable, research. The department P&T Committee then meets to discuss and vote on the case. **Majority opinion will be determined by secret ballot.** Any department P&T Committee member may submit a signed dissenting opinion letter that will be added to the file and made available to the departmental committee.

Recommendation:

The process of the creation of the committee's report should be explicitly stated with language similar to the following (from the FAS Website, "Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview," <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>):

The committee will prepare a written review for the Dean evaluating and summarizing the evidence of accomplishment, noting areas that require improvement, and making a recommendation regarding reappointment, and promotion and contract length (when applicable).

- If, after a comprehensive review, the department P&T committee supports proceeding with promotion, department chair submits the completed NYU Promotion application form, candidate's materials, his/her report and the committee vote to the Vice Dean of Faculty. If the department's decision is to not pursue promotion, the candidate is notified in writing, and the department chair provides feedback to the candidate on areas of improvement.

Recommendation:

Add the following language:

The division dean, chair, or academic unit leader will forward the report of the promotion committee and closed vote to the Dean along with his or her own recommendation. The recommendations of the review committee, the voting faculty and the Division dean are all advisory to the Dean. The Dean will make a decision on the promotion case and notify the Department Chair.

- If the department supports promotion, the Committee of Department Chairs and Vice Deans meets to discuss and vote on the proposed promotion, and then makes its recommendation to the dean. Ideally, this follows the same schedule as reappointments, as set forth in Section 10 above.
- Dean reviews the proposed promotion and informs the department chair and candidate of the decision.

Recommendation:

Add detailed information:

The Dean will provide the faculty member with a written summary that includes any 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.

Letters from external reviewers are not typically sought, as the responsibilities of a clinical faculty member are to teach and provide service, both of which are primarily internal activities.

12. Transfer between Clinical and Tenured or Tenure Track Appointments

Clinical faculty positions cannot be used as a mechanism to retain tenure-track faculty members who have not been, or are not likely to be, granted tenure. Conversion to a clinical appointment is not an

option for a tenure-track faculty member who has been denied tenure, or whose performance does not merit a full tenure review.

13. Governance

In accordance with University Bylaw 82 (c), the clinical faculty at Stern may hold its own faculty meetings and may participate in joint meetings with Stern's tenured/tenure track faculty. At the department level, clinical faculty participate as members of the department faculty in department governance, including voting on matters of department governance, with the exclusion of matters related to promotion and tenure of tenure track faculty, the hiring of tenured and tenure track faculty, and matters affecting his or her own status on the faculty at NYU.

14. Relative Size of the Clinical Faculty

While clinical faculty members make valuable contributions to the Stern School, excessive reliance on clinical faculty may gradually dilute the research mission of the School. Consequently, the relative size of the tenured/tenure-track, clinical, and adjunct faculties, and their aggregate teaching responsibilities, will be subject to annual review by the Committee of Department Chairs and Vice Deans.

15. Contract Clock

The contract timeline for a clinical faculty member may be paused for stipulated reasons, as per the University Guidelines for Full Time Continuing Contract Faculty Appointments. These reasons include medical, personal, as primary caregiver for a child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation. Other types of leave do not typically pause the contract unless approved by the dean.

16. Grievance

Stern follows the grievance and appeal process as set forth in the NYU Guidelines. The Guidelines require that the grievance committee include at least "one senior full-time contract faculty member who shall participate in hearing and evaluating only those grievances that are filed by" clinical faculty members. At least one position on the Stern Grievance Committee will be filled by a Clinical Associate Professor or Clinical Professor, and that person will only hear grievances filed by clinical faculty.

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 above process has been followed by the Center for Urban Science and Progress (CUSP), Faculty of Arts & Science, Gallatin, Institute for the Study of the Ancient World (ISAW), Liberal Studies, Abu Dhabi, Nursing, Law, and Tandon.

Recommendation:

Add language similar to the following:

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.

Recommendation:

Add the following language (paraphrased from the Liberal Studies Reappointment and Promotion Policy, 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 copy of the committee's report provided by the committee.

Recommendation:

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 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. The same memorandum must be sent both to the grievant and to the committee.

Recommendation:

Add the following language (quoted from the Liberal Studies Reappointment and Promotion Policy, 2018):

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

Recommendation:

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

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).