

## RESPONSES TO C-FSC COMMENTS

Recommendations of  
the Continuing Contract Faculty Senators Council in Regard to:

Tandon School of Engineering  
Proposed: Guidelines for Continuing Contract Faculty Appointment, Reappointment,  
Promotion and Grievance Procedures, and Voting Rights

### Background

From a letter dated January 5, 2017 sent by Provost Katherine Fleming: "The Dean of the Tandon School has submitted to me the school's guidelines pertaining to C- Faculty. I am advised that this document was drafted with extensive iterative faculty input, including an authoring ad hoc working group of C-Faculty and T-Faculty that included faculty senators; discussion with the Tandon Faculty Executive Committee and at Tandon faculty meetings; and surveys of C-Faculty. The full process is detailed in the attached memo from Richard Thorsen, Tandon's Interim Associate Dean for Academic Administration."

The following document consists of recommendations made jointly by the C- FSC Personnel Policies & Contract Issues Committee and the T-FSC Personnel Policies & Tenure Modifications Committee in an effort to improve the *Tandon School of Engineering Guidelines for Continuing Contract Faculty Appointment, Reappointment, Promotion and Grievance Procedures, and Voting Rights* and to ensure its compliance with the University Guidelines For Full-Time Non-Tenure Track/Contract Faculty Appointments.

### I. SUBSTANTIVE MAJOR RECOMMENDATIONS:

#### I. Introduction

1. Comment: 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."

1. Recommendation: 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. **Response: This information was not added because it is already available in the NYU Guidelines (June 12, 2014; revised December 15, 2015).**

#### II. Scope

2. Comment: Since Continuing Contract faculty are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations. 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.

2. Recommendation:

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]"

**2. Response: This section was modified to note that Continuing Contract faculty positions are non-tenure and are typically multi-year, and to note that duties are primarily teaching and that specific duties vary by individual appointment.**

### III. Appointment and Reappointment

3. Comment: The University Guidelines for Full-Time Continuing Contract Faculty, page 4, states: "Continuing Contract Faculty appointments that provide for the possibility of extended period 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."

3. Recommendation: "If a one- or two-year contracts are adopted, the Dean will provide a justification, similar to the hiring plan submitted annually to the Provost, based on programmatic and academic considerations, to the faculty through the formal governance structure established at the school (the Faculty Assembly, Faculty Senate, etc.)."

**3. Response: This section was modified. It follows university policy, which requires that for one-year appointments, the Dean will provide a rationale to the Provost as part of the annual faculty hiring plan.**

4. Comment: 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 or a combination of one-year and two-year appointments who successfully complete a formal review, such as:

4. Recommendation: "Faculty members on continuous one-year appointments or a combination of successive one-year and two-year appointments who successfully complete their third-year formal review shall move to at least a three-year appointment."

**4. Response. There is not a pattern of continuous one-year appointments in the School. One-year appointments are typically made for new hires or under other rare circumstances.**

5. Comment: In the first paragraph, the policy provides only that reappointment to a

three-year contract subsequent to an initial one-year or two-year contract “may be appropriate.” This presents the possibility of the creation of a permanent group faculty on continuing one-year or two-year appointments.

5. Recommendation: Delete “may be appropriate” and change sentence to “...reappointment shall be to terms of three years for Assistant and Associate Industry Professors and lecturers, and five years for Industry Professors and Senior Lecturers.”

5. **Response: The School needs some flexibility in terms of appointment length, given the changes in programs, departments, etc. as a result of the merger with NYU. In recent years, appointments have typically been for 2 to 5 years, with one-year advance notice.**

6. Comment: The policy does not address the term length of appointments subsequent to an initial three-year or five-year contract.

6. Recommendation: When promoted to a three-year contract (Industry Assistant Professors and Lecturers) subsequent appointments shall be for at least three years.

6. **Response: This section was modified to note that length of appointment will not be reduced at reappointment, except in exceptional circumstances. Length of appointment is not automatically tied to rank, though in general longer appointments are given to more senior Continuing Contract faculty. Our school is undergoing transition tied to our merger with NYU, which requires some flexibility in these matters.**

7. Recommendation: When promoted to a five-year contract (Industry Associate Professors and Senior Lecturers) subsequent appointments shall be for at least five years.

7. **Response: Appointment length may be for up to five years, but a reappointment of five years is not required.**

8. Comment: The two bullet points in this section provide the faculty member with notification dates, but these provisions do not address the possibility that the faculty might not be reappointed for curricular needs or structural changes. 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.

8. Recommendation: Add the following language (paraphrased from the Tisch Arts Professor Policy, 2013, the Tisch Teach Policy, 2014, and the Gallatin Contract Faculty Policy, 2015),

“In such event, the review would focus on whether the faculty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity.”

8. **Response: This text, above, was added.**

#### IV. Reappointment Review

##### A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment

9. Comment: It is not clear if this section is intended to cover faculty on continuous 1-year contracts

9. Recommendation: Clarify whether this applies to faculty on continuous 1-year contracts.

9. **Response: This change was not necessary because the School does not generally have continuous one-year appointments.**

10. Comment: The first bullet point concerns the composition of the reappointment committee and directs that the committee consist of at least two members. If there are only two or some other even number of members, they may deadlock on decision.

10. Recommendation: The committee should consist of three or five or some other uneven number of members.

**10. Response: In our policy, voting on reappointment cases is at the level of the department, rather than the review committee.**

11. Comment: The first bullet point does not indicate how committee members are selected.

11. Recommendation: The committee should be made up of elected, not appointed, members from the appropriate department.

**11. Response: Committee members are appointed by the Department chair, who assigns all departmental service responsibilities.**

12. Comment: The first bullet point specifies that the committee chair be appointed by the Department Chair. The spirit of elections should pertain to the selection of the chair as well as the other members of the committee.

12. Recommendation: The committee chair should be elected from among the committee members.

**12. Response: The chair of the committee is appointed by the Department chair.**

13. Comment: The third bullet point presents a list of items to be assessed as evidence of teaching quality. It does not include reports of classroom teaching observations.

13. Recommendation: Insert language from the list "Materials for the promotion review" on page 4 of the policy, "Written evaluations of classroom teaching observed by voting faculty."

**13. Response: This item was added.**

14. Comment: The materials for review include materials demonstrating evidence of "Research and Scholarship" and of "Creative and Performance Arts." It appears that some faculty will be expected to produce research and creative output, but the policy is silent on the availability of leave time and research funds for such faculty.

14. Recommendation: 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 added. 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.

**14. Response: Funds for Continuing Contract faculty professional development are provided, as directed by the Provost. Information on these funds is not included here because it is not specifically part of the reappointment and promotion process. This information is available on our School web site and is circulated directly to Continuing Contract faculty members.**

Materials for the reappointment review

15. Comment: The list of materials is incomplete in comparison to the list of materials to be considered for promotion found on page 4.

15. Recommendation: Conform the list of items to the list provided for Promotions so that it

includes statements of teaching and service, list of all courses taught since the previous appointment, and written evaluations of classroom teaching observed by voting faculty. Consider specifying other materials. For example, the following factors might be considered: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc.

**16. Response. We feel that this package includes the essential material, including the CV, the annual Faculty Activity Reports (which include information on annual activities), course syllabi, course evaluations, and reports based on observations by colleagues (if available).**

Process for department evaluation

16. Comment: Voting faculty does not include Industry Assistant Professors or Lecturers. This creates a bifurcation that may exclude long-term Assistant Professors or Lecturers.

16. Recommendation: Include as voting members Industry Assistant Professors and Lecturers who have been reappointed to second 3-year contracts when the vote concerns reappointment of other Industry Assistant Professors or Lecturers.

**16. Response. This recommendation would be cumbersome to track and implement. The guidelines make provision for the participation of Continuing Contract faculty in evaluating reappointments. All Continuing Contract faculty members vote for reappointments at lower ranks. Lecturers and Industry Assistant Professors do not vote for reappointments. (Tenure track assistant professors also do not vote for reappointments of Continuing Contract faculty.)**

17. Comment: The paragraph concerning voting members does not specify who votes on the reappointment of Industry Professors and Senior Lecturers.

17. Recommendation: Add this clarification.

**17. Response: This language was clarified.**

18. Comment: The “Process for department evaluation” section does not actually explain details of the procedures to be followed.

18. Recommendation: The Committee Chair should coordinate the creation of the committee’s report and recommendation for reappointment, which is then submitted to the Dean. The duties of the chair should be included in this paragraph, as well as the process of evaluating the review material. The process of the creation of the committee’s report should be explicitly stated with language similar to the following (from the FAS Website, “Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview,” <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.htm> HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>")| HYPERLINK "<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).”

**18. Response: Language was added to clarify the information that should be included in the report.**

19. Comment: The Process for department evaluation section does not specify what

constitutes a vote of the committee.

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

**19. Response: The guidelines provide for a secret ballot and for a minority opinion. The vote is at the department level, rather than the committee.**

20. Comment: The Process for department evaluation section does not specify the procedure according to which the committee will prepare its report.

20. Recommendation: Add language detailing the process governing the creation of the review committee's report, similar to that found on the FAS website, "Procedures for Reappointment and/or Promotion" for clinical faculty

(<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>), adapted as follows:

"The review may be written by one or more member of the Review and Reappointment Committee, but all members of the committee should read the review before it is submitted to the Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review."

**20. Response: This text was added.**

21. Comment: The Process for department evaluation section does not specify a procedure to follow when the Dean agrees with a committee's decision to reappoint a faculty member.

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

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

**21. Response: This information is already part of our process, though the information is provided by the department chair and not the Dean. This information is provided to the faculty member as part of the reappointment form. This form is signed by the department chair and the faculty member and discussed with the department chair.**

22. Comment: The Process for department evaluation section does not specify a procedure to follow in the event the Dean disagrees with a committee's decision to reappoint a faculty member.

22. Recommendation: Add the following as a new paragraph (adapted from the FAS website, "PROCEDURES for Reappointment and/or Promotion" for clinical faculty: <http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.htm> HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>")| HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>")):

"If the school Dean's decision is contrary on appointment, title, or length of contract to that of the Review and Reappointment Committee or the Promotion Committee or the

divisional dean, the Dean will provide the committee with the reasons. The committee members will then have ten days in which to provide further information or counter-argument before the Dean's decision is finalized.”

**22. Response: Our policy already does this. Discussions about reappointment are between the department chair and the Dean, rather than with the Reappointment Committee. The department chair provides a letter to the Dean describing the reappointment case, along with the reappointment form. The Dean responds to the department chair. The department recommendation to the Dean is advisory. The Dean makes final decisions as to appointment and appointment length.**

23. Comment: The Process for department evaluation section does not specify the faculty member's rights in the event of a decision not to reappoint.

23. 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 and any comments from the faculty. If the report names references who have provided evaluations for the review in confidence, their names and other identifying details will be redacted from the copy provided to the faculty member.”

**23. Response: Our policy already provides for feedback to the faculty member, which is included in the reappointment form. As for tenure and promotion cases for tenured/tenure track faculty, the report of the ad hoc committee is confidential and is not provided to the faculty member.**

#### V. Promotion Statement of Principles

24. Comment: The paragraph omits “service” as an indicator of performance and achievement.

24. Recommendation: Add “service” to the list: “...teaching, research, scholarship, service or in other duties.”

**24. Response: “Service” was added.**

#### Review Process

25. Comment: The second paragraph under “Review Process” does not explain how the promotion review committee will be formed.

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

**25. Response: Committee members are appointed by the Department chair, who assigns all departmental service responsibilities.**

26. Comment: The second paragraph under “Review Process” does not specify the procedures for the work of the promotion review committee.

26. Recommendation: The Committee should choose its own chair, who then coordinates the creation of the committee's report and recommendation for reappointment, which is then submitted to the Dean. The duties of the chair should be included in this paragraph, as well as the process of evaluating the review material. The process of the creation of the committee's report should be explicitly stated with language similar to the following (from the FAS Website,

“Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview,” <http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.htm> HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>")| HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>")):

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

**26. Response: Text was added to specify that the report should include a recommendation as to reappointment and length of appointment. Also, the text was clarified to note that the Reappointment and Recommendation Form should be signed before it is submitted, and should be given to the Faculty Candidate at this stage. Existing text is otherwise sufficient.**

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

**27. Response: Text was added to note that a minority opinion should be provided, if it exists. The policy already provides for a secret ballot. In our policy, voting is at the department level rather than at the level of the review committee.**

28. Recommendation: Add language detailing the process governing the creation of the review committee’s report, similar to that found on the FAS website, “Procedures for Reappointment and/or Promotion” for clinical faculty (<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>), adapted as follows:

“The review may be written by one or more member of the Review and Reappointment Committee, but all members of the committee should read the review before it is submitted to the Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.”

**28. Response: Text above was added.**

Materials for the promotion review

29. Comment: Although the list of materials for promotion review includes many salient documents, other possible materials are not included.

29. Recommendation: Consider specifying other materials. For example, the following factors might be considered: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc.

**29. Response: We feel that this package includes essential material, including the CV, statement on teaching and service, list of courses, course syllabi, course evaluations, and observations from colleagues (if available).**

30. Comment: The Materials for the promotion review section asks for copies of student course evaluations and course syllabi, but does not limit the request to any time period.

30. Recommendation: The time period under consideration could be limited to the current reappointment period or six years, whichever is longer.

**30. Response: Our policy states that materials should be those since initial appointment or since previous review.**

31. Comment: The paragraph on voting procedures for promotions provides that it be a “closed” vote, but the voting for reappointments is not closed

31. Recommendation: In the interests of transparency, the voting result should not be closed.

**31. Response: Our policy states that votes for reappointment review and for promotion are both by secret ballot. The reappointment review and promotion review processes are confidential.**

32. Comment: The “Process for department evaluation” section does not actually explain details of the procedures to be followed.

32. Recommendation: The Committee Chair should coordinate the creation of the committee’s report and recommendation for promotion, which is then submitted to the Dean. The duties of the chair should be included in this paragraph, as well as the process of evaluating the review material. The process of the creation of the committee’s report should be explicitly stated with language similar to the following (from the FAS Website, “Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview,” <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.htm> HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>") | HYPERLINK "<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 promotion (when applicable).”

**32. Response: The policy was modified to specify information that should be included in the report, including a minority opinion, and to state that the report should include a recommendation as to promotion.**

33. Comment: The Process for department evaluation section does not specify what constitutes a vote of the committee.

33. Recommendation: Specify that a majority vote of the Promotion Committee shall be required for a successful review for a recommendation for promotion, and that all votes of both Committees shall be by secret ballot. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.

**33. Response: The policy was modified to note that the report should include a minority opinion, if one exists. The policy already states that voting is by secret ballot. In our policy, voting is at the level of the department and not the review committee.**

34. Comment: The Process for department evaluation section does not specify the procedure according to which the committee will prepare its report.

34. Recommendation: Add language detailing the process governing the creation of the review committee’s report, similar to that found on the FAS website, “Procedures for Reappointment and/or Promotion” for clinical faculty (<http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>), adapted as follows:

“The review may be written by one or more member of the Promotion Committee, but

all members of the committee should read the review before it is submitted to the Dean. The review should represent a collective judgment of the committee or, in the case of a divided opinion, a majority of the committee. If there is a division of opinion, the minority opinion should be appended to the majority review.”

**34. Response: This text was added.**

35. Comment: The Process for department evaluation section does not specify a procedure to follow when the Dean agrees with a committee’s decision to promote a faculty member.

35. Recommendation: Add detailed information: “The Dean will provide the faculty member with a written summary that includes suggestions for professional development and a recommendation regarding promotion, and will meet with the candidate to discuss the committee’s evaluation, as well as his or her own assessment and continuing programmatic need for the appointment.

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

**35. Response: Our policy provides for communication to the faculty member, in the form of a written notice of the outcome of the Dean’s decision.**

36. Comment: The Process for department evaluation section does not specify a procedure to follow in the event the Dean disagrees with a committee’s decision to promote a faculty member.

36. Recommendation: Add the following as a new paragraph (adapted from the FAS website, “PROCEDURES for Reappointment and/or Promotion” for clinical faculty: <http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.htm> HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>") | HYPERLINK "<http://as.nyu.edu/object/aboutas.pp.assocdean.recuitment.html>"):

“If the school Dean's decision is contrary on promotion to that of the Promotion Committee or the divisional dean, the Dean will provide the committee with the reasons. The committee members will then have ten days in which to provide further information or counter-argument before the Dean's decision is finalized.”

**36. Response: In our policy, the communication is between the Dean and the department chair (rather than the promotion committee). The Dean communicates with the department chair regarding the promotion decision.**

37. Comment: The Process for department evaluation section does not specify the faculty member’s rights in the event of a decision not to reappoint.

37. Recommendation: Add language similar to the following:

“In all cases of an appeal to a negative decision related to promotion by the Dean, the candidate will have access to the Promotion Committee’s full report, including its recommendation and any comments from the faculty. If the report names references who have provided evaluations for the review in confidence, their names and other identifying details will be redacted from the copy provided to the faculty member.”

**37. Response: As in the tenure and promotion process for tenure track faculty, these materials are confidential.**

VI. Grievance

C. Continuing Contract Faculty Who Are Eligible to Grieve

38. Comment: The second paragraph entirely deprives faculty on initial appointments of one or two years of any grievance rights based on reappointment. This is contrary to the University Guidelines which provide under “Grievance Procedures” in the section “Who Can Grieve”:

“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.”

38. Recommendation: Delete this paragraph.

**38. Response: Existing text was replaced with text from the NYU Faculty Handbook on who is eligible to grieve.**

D. Procedure to Be Followed when a Continuing Contract Faculty Member Wishes to Seek Settlement of a Grievance

39. Comment: Section (2) The last sentence provides that a faculty member “may appeal to the Dean to convene the School of Engineering Faculty Grievance Committee.” The sentence seems to suggest that the Dean has some discretion whether to convene the grievance committee.

39. Recommendation: Change the sentence to read: “shall have the right to appeal to the Dean who shall convene the School of Engineering Faculty Grievance Committee.”

**39. Response: This was not modified because the text in our policy is directly from the NYU Faculty Handbook.**

E. Appeal from a Dean’s Decision on Reappointment or Promotion

40. Comment: In section (2), parts (b), (c) and (e) the name of the Grievance Committee is incorrect. Also, the composition of the Grievance Committee needs to be corrected.

40. Recommendation: Change to “Continuing Contract Faculty Senator’s Council Faculty Grievance Committee.” Change “drawn from a standing committee that shall consist of the members of the C-FSC Faculty Grievance Committee and the T-FSC Grievance Committee” to “composed of one member drawn from the C-FSC Grievance Committee, one member drawn from the T-FSC Grievance Committee, and one senior administrator who is a continuing contract faculty member chosen by the Chair of the C-FSC.”

**40. Response: The policy was amended to include the proper name and composition of the Grievance Committee.**

41. Comment: Part (d) omits reference to violations of academic freedom as a ground for pursuing a grievance. The University Guidelines for CCF provide as a ground for grievance decisions that “violated the academic freedom of the faculty member in question.”

41. Recommendation: Change the first sentence to read: “The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed or whether the grievant’s academic freedom has been violated.”

**41. Response: Text above was added.**

F. Appeal from a Dean's Decision on Matters Such As Duties, Salaries, Perquisites, and Working Conditions

42. Comment: The paragraph refers to "informal procedures" but does not specify what those procedures are.

42. Recommendation: Specify the informal procedures as meetings, correspondence, etc.

42. **Response: These procedures are the prerogative of the Provost.**

## VII. Voting Rights of Continuing Contract Faculty at Faculty Meetings

43. Comment: Paragraph 5 indicates that the Grievance Procedure is not included in this document but is under development. 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.

43. Recommendation: 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 ."

43. **Response: This section was updated to be consistent with the Tandon Faculty Grievance policy for Continuing Contract Faculty members, which is also included here.**

44. Recommendation: 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.

44. **Response: We have included this in our policy. Our policy also references the guidelines for faculty grievances in the NYU Faculty Handbook.**

45. Recommendation: 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.

45. **Response: This recommendation reflects a misunderstanding, because our original policy documents stated, in the section on faculty votes, that a grievance policy would be developed. In fact, that Grievance policy was developed following the procedures recommended above. That policy was submitted to the faculty councils for review as part of our original submission. We also modified section D.3. in our policy to clarify the procedures of the Faculty Grievance Committee, as recommended by the Provost's Office.**

## II. SUBSTANTIVE MINOR RECOMMENDATIONS

### II. Scope

46. Comment: Whereas the “Industry Professor” title is defined in terms of the expected background of the faculty member, the Lecturer titles are defined in terms of their duties.

46. Recommendation: Define the two categories of faculty in consistent ways, either by background, or by duties, or by the combination of both.

**46. Response: No change was made in titles at this time. Tandon faculty have had lengthy discussions to consider changes to titles for Continuing Contract faculty (Industry Professor series and Lecturer series) and these titles, or the distinctions between titles, will likely be discussed again in the future. At present, no changes to the categories of titles are proposed.**

### IV. Reappointment Review

#### A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment

47. Comment: On the top of page 3, at the end of the third bullet point, there is a provision concerning “Creative and Performance Arts.”

47. Recommendation: Clarify “innovation and impact in conducting creative and performance arts.”

**47. Response: This criteria is intentionally left flexible to accommodate the small number of Tandon Continuing Contract faculty members who engage in creative and performance arts as part of their duties, since these contributions vary by individual.**

#### B. Contract Not Continuing Beyond the Third Year of Continuous Service from Initial Appointment

48. Comment: The wording is confusing,

48. Recommendation: Add the word “respectively” as follows: “...pursuant to a one- or two- year contract, respectively, shall not be required to undergo the review process...”

**48. Response: Changed. “Respectively” was added and text was added to clarify this section.**

### VII. Voting Rights of Continuing Contract Faculty at Faculty Meetings

49. Comment: Paragraph (2) provides that the Tandon School of Engineering Faculty “may separately poll and record the votes” of the various categories of faculty. The sentence is unclear.

49. Recommendation: Change to “may separately poll and record: 1) the opinions of the T-TT and emeritus faculty; and 2) the opinions of the voting and non-voting continuing contract faculty.”

**49. Response: This change was made.**

50. Comment: The language concerning eligibility to run for the position of Speaker-Elect is confusing: “Only the T-TT faculty are eligible to run for the Speaker-Elect position (eventually serving as the Speaker and Past Speaker). However, those Continuing Contract

Faculty who were previously granted individual voting rights are also eligible to run for the Speaker-Elect position.”

50. Recommendation: Change to “Two categories of faculty are eligible to run for the position of Speaker-Elect (eventually serving as the Speaker and Past Speaker): 1) T-TT faculty; and 2) those Continuing Contract Faculty WHO were previously granted individual voting rights.”

**50. Response: This change was made.**

51. Comment: Paragraph 5 concerning the Nominations and Elections Committee is confusing as it states that membership on that committee will draw from three standing committees, including the very same Nominations and Elections Committee.

51. Recommendation: Clarify this sentence.

**51. Response: Wording was clarified.**

### III. EDITORIAL RECOMMENDATIONS

#### I. Introduction

52. Comment: In the quotation, “university” in the last line is not capitalized.

52. Recommendation: Capitalize “University.”

**52. Response: Change was made.**

53. Comment: The technically correct name for the faculty is “Full-time Continuing Contract Faculty.”

53. Recommendation: Insert “Full-time”

**53. Response: Word was added.**