



**Date:** March 25, 2021

**Memorandum to:** Katherine E. Fleming, Provost

**From:** Ethan Youngerman  
Chairperson, C-Faculty Senators Council  
A/Y 2020-2021

**Subject:** C-Faculty Senators Council Review of School of Global Public Health Policies and Procedures for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the School of Global Public Health

The C-Faculty Senators Council submits the attached letter and recommendations regarding the School of Global Public Health Policies and Procedures for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the School of Global Public Health.

**cc:** Cheryl Heaton, Dean, School of Global Public Health  
Kristen Day, Vice Provost  
Peter Gonzalez, Associate Vice Provost for Academic Appointments

*C-FSC Steering Committee Members:*  
John Gershman, C-FSC Vice Chairperson  
Scott Illingworth  
Leila Jahangiri  
Mary Killilea  
Noelle Molé Liston  
Agnes Tourin

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

Darcey Merritt, T-FSC Chairperson

Re: The Continuing Contract Faculty Reappointment and Promotion Policy for the School of Global Public Health

Dear Provost Fleming,

The C-FSC writes out of concern for unusual requirements and conditions that have been included in the “Continuing Contract Faculty Reappointment and Promotion Policy for the School of Global Public Health Policy Draft” (under review by the C-FSC).

There are several anomalous items in the policy that are not found in any of the approved Continuing Contract Faculty Policies listed on the Provost’s website and that are not included in the NYU Faculty Handbook.

At the request of our senators, may we point out these rather worrisome reappointment conditions? In general, these conditions are oftentimes vague and do not provide meaningful protections for the Global Public Health (GPH) continuing contract faculty. In short, they are open to multiple interpretations, misuse, and possible abuse.

**1. Contract length may be based on unusual and vague criteria: “financial considerations”**

The policy states (Section 1):

After the initial appointment, assistant faculty are eligible for reappointment for a three-year term, and associate and full faculty are eligible for reappointment for a three- or five-year term. Subsequent appointments will typically be at three years for assistant, and five years for associate and full professors; however, other terms may be offered consistent with curricular needs or financial considerations (the underlining is ours).

The above phrase “or financial considerations” should be removed. “Financial conditions” for contract length are highly unusual; none of the approved Continuing Contract Faculty Reappointment & Promotion policies (listed on the Provost’s webpage) include this language. These financial conditions for contract length are also not mentioned in the NYU Faculty Handbook. Beyond these points, the term “financial conditions” is vague and may easily be abused; a dean may simply reduce a faculty member’s contract length due to “financial considerations” without proof, process, or rational basis.

## **2. Reappointment requires an unusual demand for “availability of funding”**

The policy states (Section 1):

In all cases and regardless of rank, reappointment is contingent upon: the faculty candidate meeting appropriate standards; curricular and programmatic need, including student enrollment; and availability of funding (our underlining).

And the policy states (Section 4.1):

- (1) Decisions to reappoint take into account curricular or structural changes and improvements in academic programs as well as teaching demand associated with enrollment, and fiscal considerations. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint may be impacted by curricular and structural changes in academic programs within GPH, or fiscal considerations internal and external to GPH (our underlining).

The phrases “availability of funding” and “fiscal considerations” should be removed. This requirement is highly unusual; none of the approved Continuing Contract Faculty Reappointment & Promotion policies (listed on the Provost’s webpage) include this requirement. Fiscal considerations are also not mentioned in the NYU Faculty Handbook. Again, the term “financial conditions” is vague and may easily be abused; a dean may simply terminate a faculty member’s contract for “financial considerations” without proof, process, or without rational basis.

## **3. Unexplained and unusual demand that “reappointment can be achieved only by the school’s taking affirmative action to do so.”**

The policy states (Section 4.1):

- (3) In accordance with University Bylaws, Section 87(b), *Contracts and Titles*, the appointment of Continuing Contract faculty automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal. By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by a school’s taking affirmative action to do so (our underlining).

The phrase “Thus, reappointment can be achieved only by a school’s taking affirmative action to do so” should be removed. This requirement is highly unusual;

none of the approved Continuing Contract Faculty Reappointment & Promotion policies (listed on the Provost’s webpage) include this requirement. This requirement is also not mentioned in the NYU Faculty Handbook. Such a condition is vague, can be easily misunderstood, and could result in an arbitrary decision not to reappoint a continuing contract faculty member, *without* a formal review.

#### **4. Grievances are disallowed if one is denied reappointment due to the “elimination of the position”**

The policy states (Section 6.3):

- (1) In accordance with the NYU Faculty Handbook, Continuing Contract faculty who are not eligible for reappointment cannot grieve a decision not to reappoint. Individuals on multi-year contracts who are subject to a review process to determine whether they are to be reappointed 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. 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 (underlining and italics ours).

An elimination of a position should have a rational basis, and it should include a process for determining whether the professor can or cannot teach elsewhere in the curriculum. Such requirements are included in many of the continuing contract faculty school policies, namely, the policies of the Center for Urban Science and Progress, the Faculty of Arts & Sciences, the Faculty of Arts & Sciences-Language Lecturers, Gallatin, Liberal Studies, NYU Abu Dhabi, Nursing, Tandon, Tisch-Arts Professors, and Tisch-Arts Teachers. The language below is paraphrased from these school policies and should be added to the GPH policy:

In such an event, the review committee 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. Attempts shall first be made to find a suitable position for the faculty member within the revised curriculum or structure.

Respectfully Submitted,

The C-FSC Personnel Policies & Contract Issues Committee on behalf of the C-FSC

## **Continuing-Contract Faculty Council's Recommendations**

**Submitted March 25, 2021**

**Recommendations of the C-FSC in regard to:**

### **NYU School of Global Public Health Policies and Procedures for Reappointment and Promotion for Full-Time Continuing Contract Faculty**

#### **BACKGROUND**

Dean Cheryl Heaton initiated a review of the “Policies and Procedures for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the School of Global Public Health” In her transmittal memo, Dean Heaton notes that this policy was developed over an extended time period and that the development of the policy involved significant faculty input. In particular the GPH Faculty Appointments and Promotions Clinical Committee (FAP-C) reviewed and revised the guidelines in collaboration with the GPH Office of the Dean and the full faculty. The most recent version of the guidelines was provided to faculty in advance of a school-wide meeting held via Zoom on October 7, 2020. The guidelines received a unanimous vote of approval via a Zoom poll vote at that meeting.

Dean Heaton notes that,

the guidelines received a unanimous vote of approval via a Zoom poll vote at a faculty meeting held on October 7, 2020. This meeting was attended by 48 faculty who are eligible to vote, broken down as follows: 19 continuing contract faculty, 16 tenured faculty, and 13 tenure-track faculty. Of the 48 eligible faculty who voted, 48 voted in favor of adopting these guidelines; 0 faculty members abstained; and 0 faculty members voted to reject these guidelines. These 48 faculty represented 81.4% of the school's 59 faculty who are eligible to vote.

As part of the process of finalizing the GPH policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called: “Policies

and Procedures for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the School of Global Public Health”:

At NYU, our strong tradition is for schools to develop policies that are “consistent with school culture and history.” Within that tradition, the Faculty 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. (Oct. 13, 2020)

## **NOTES FROM THE C-FSC COMMITTEE ON CONTRACTS & POLICY ISSUES**

**1. The following document will enumerate various comments and recommendations to the submitted policy. The recommendations are made 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. Thank you.**

---

-----

**Title: Policies and Procedures for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty in the School of Global Public Health**

Revision: 7 Oct 2020

THE NEW DOCUMENT NAME IS:

FAP-C Guidelines\_7 Oct 2020

## Table of Contents

Introduction..	3
Section 1.1 Clinical Assistant Professor of Global Public Health (Initial Appointment only).	4
Section 1.2 Clinical Associate Professor of Global Public Health (Initial Appointment and Promotion)	5
Section 1.3 Clinical Professor of Global Public Health (Initial Appointment and Promotion).	5
Section 2: Duties and Standards of Performance of Continuing Contract Faculty..	5
Section 2.1 Teaching..	6
Section 2.2 Public Health Practice..	6
Section 2.3 Scholarship..	6
Section 2.4 Service..	7
Section 3: Procedures for Initial Appointment of Continuing Contract Faculty..	7
Section 3.1 Department Faculty Search Committee (FSC).	7
Section 3.2 Faculty Appointments and Promotions-Clinical Committee (FAP-C).	8
Section 3.3 Notification of Decision..	8
Section 4: Review Process and Procedures for Reappointment of Continuing Contract Faculty..	9
Section 4.1 Overview...	9
Section 4.2. Reappointment of Faculty on One-Year Contracts..	9
Section 4.3 Reappointment of Faculty on Multi-Year Contracts..	10
Section 5: Review Process and Procedures for the Promotion of Continuing Contract Faculty..	11
Section 5.1 Overview...	11
Section 5.2 Role of the Department Chair and the Department Promotions Committee (DPC).	11
Section 5.3 Department Faculty Vote..	12
Section 5.4 DPC Selection of Outside Evaluators..	13
Section 5.5 Promotions Packet.	14
Section 5.6 Role of the FAP-C Committee..	14
Section 5.7 Role of the Dean..	15
Section 6: Grievance Procedures for Reappointment or Promotion Decisions..	15
Section 6.1 Overview...	15
Section 6.2 Basis for Grievance..	15

Section 6.3 Who Can Grieve.. 15  
Section 6.4 School Grievance Process.. 16  
Section 6.5 Appeal. 17

*This document supplements NYU policies applicable to full-time Continuing Contract faculty. If any part of this document is inconsistent with NYU policies, the NYU policies then in effect will control. As with all University and school policies, this document is subject to change, and the policies in effect at the time of an action will apply to that action. Any future amendments to this document must be approved by the GPH Dean following consultation with and voting by GPH faculty and subsequent approval by the Provost of NYU, as required.*

## **1. Recommendation: The Five-Year Review**

**The policy should follow the letter and the spirit contained in the New York University Faculty Handbook, Faculty Policies for Full-Time Continuing Contract Faculty, Effective October 15, p. 52:**

**“Each school shall establish a formal process for conducting a five-year review of the school policy initially approved under these guidelines and for successive reviews of the policy and its implementation periodically thereafter. This review shall include a written report from the school Dean to the Provost, who shall consider both the substance of the policy as well as its implementation.”**

**We strongly recommend that the above paragraph, quoted from the NYU Handbook, be added.**

### **Introduction**

Full-Time Continuing Contract faculty make a valuable contribution to the mission of the New York University (NYU) School of Global Public Health (GPH) in teaching, practice, scholarship, and service to GPH, the University, and the public health community. At GPH, clinical faculty may be drawn from the fields of public health practice or policy, or they may also be scholars with



strong academic credentials, training, research, and scholarship. Continuing Contract faculty are hired for both their teaching abilities and their professional, academic, or scholarly accomplishments. Without the Continuing Contract faculty, many areas of professional expertise as well as scholarly and creative fields would be thinly represented in the GPH, if at all. The contributions made by the Continuing Contract faculty are therefore crucial to GPH's academic and scholarly mission. This document establishes standards of academic excellence and provides for a comprehensive and fair review of faculty candidates in the processes of appointment, reappointment and promotion of full-time Continuing Contract faculty at GPH. These processes of appointment, reappointment and promotion adhere to the GPH Diversity, Equity, and Inclusion Guiding Principles that support systematic efforts to foster diversity, equity, and inclusion among our faculty. Henceforth, these policies shall apply to all new appointments, reappointments for existing contracts, and promotions. Throughout this document these policies and procedures will be referred to as "the Guidelines."

Although Continuing Contract faculty appointments are without tenure, the appointments may be renewed indefinitely subject to conditions and processes described in this document unless otherwise stipulated in the contract. Continuing Contract faculty members are protected by academic freedom. Continuing Contract faculty may chair or sit as members of doctoral committees, participate and vote on all GPH committees, and participate in faculty governance except in matters related to appointments, tenure, and promotions of tenured/tenure-track faculty.

The processes for appointment and reappointment shall reflect the University's overriding commitment to enhance academic excellence and diversify our faculty, with the goal of providing students the best available educational experience. Thus, each appointment and reappointment shall be evaluated in light of the contribution it makes to the distinct excellence of GPH, and shall exemplify the University's commitment to equitably appoint, retain, and promote the best faculty in all disciplines.

The Guidelines may be amended subject to the timely distribution of any amendments to the Policy to the faculty, faculty discussion, and a vote on the Policy in a regularly

scheduled faculty meeting following procedures outlined in the GPH Bylaws. These amendments are further subject to review by the University Senate and Provost, and approval by the Dean.

## **Section 1:       Ranked Titles, Terms of Appointment, and Qualifications for Rank**

At GPH, full-time Continuing Contract faculty carry the titles of Clinical (Assistant / Associate / Full) Professor. As noted in the University's Faculty Handbook, "wherever possible, schools are encouraged to reduce reliance on one-year contracts." Initial appointments for Clinical Assistant Professors are typically for a duration of two years, however some initial appointments may be designated as one-year appointments based upon curricular needs or financial considerations. Clinical Associate and Full Professors are typically appointed initially for a three-year term. After the initial appointment, assistant faculty are eligible for reappointment for a three-year term, and associate and full faculty are eligible for reappointment for a three- or five-year term. Subsequent appointments will typically be at three years for assistant, and five years for associate and full professors; however, other terms may be offered consistent with curricular needs or financial considerations.

### **2. Recommendation: Length of contract**

**The above statement that "associate and full faculty are eligible for reappointment for a three- or five-year term" is not the norm for contract faculty policies at NYU. (Moreover, the above paragraph does not explain the criteria as to why a Clinical Associate or Clinical Full faculty would be eligible for a three-year contract as opposed to a five-year contract.)**

**We strongly recommend that the policy explicitly state that Clinical Associate faculty receive a five-year contract.**

### **3. Recommendation**

**Subsequent Contracts should be of at least the same length (adopted by: Gallatin; Institute for the Study of the Ancient World; Liberal Studies;**

NYU Abu Dhabi; Nursing; School of Professional Studies, Tisch-Arts Professors).

We strongly recommend that after Clinical Assistant Professors' first three-year contract, subsequent contracts should be for at least three years; that after Associate Clinical Professors' receive a five-year contract (not a three- or a five-year contract), subsequent contracts should be for at least five years; and that Clinical Full Professors' first contract should be for at least a longer contract than Clinical Associate (see Recommendation below). Whatever the contract length may be for Clinical Full, subsequent contracts should be of at least the same length.

#### **4. Recommendation: Contract Length for Clinical Full**

As an appointment of at least five years is the norm for Clinical Associate/Associate Arts/Associate Music Professor, we strongly recommend an increase in term of appointment for Clinical Full Professor; this is the case at certain schools (e.g., The Gallatin School, Tisch). We recommend that Clinical Full Professors receive a 7-year contract.

“When promoted to a three-year contract (Assistant Clinical Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be for at least three years.

“When promoted to a five-year contract (Associate Clinical/Arts/Music Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be for at least five years.

“When promoted to a seven-year contract (Full Clinical/Arts/Music Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be for at least the same length.”

In some cases, Clinical Assistant Professors initially hired on a one-year contract may be re-appointed for subsequent one-year terms, based upon curricular needs or financial considerations. In no case will a series of continuous one-year contracts exceed three years. In the third year of continuous one-year appointments, the clinical faculty member will be subject to formal review, similar to those of faculty members on longer multi-year contracts. Thus, after three continuous one-year contracts, the faculty member will either be provided with a multi-year contract or will not be reappointed at all.

## **5. Recommendation**

**We strongly recommend that Clinical Assistant Professors' first multi-year contract be for at least three years.**

**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.”**

## **6. Recommendation**

**We strongly recommend that the following be added to the above:**

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

In all cases and regardless of rank, reappointment is contingent upon: the faculty candidate meeting appropriate standards; curricular and programmatic need, including student enrollment; and availability of funding.

## 7. Recommendation

We recommend that the phrase “availability of funding” be removed; this requirement is highly unusual; none of the approved Contract Faculty Reappointment & Promotion policies (listed on the Provost’s webpage) include this requirement. The “availability of funding” is vague and could easily be abused.

## 8. 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.

We strongly recommend that the following language be added (adopted by: Center for Urban Science and Progress; Faculty of Arts & Sciences; Faculty of Arts & Sciences-Language Lecturers; Gallatin; Liberal Studies; NYU Abu Dhabi; Nursing; Tandon; Tisch-Arts Professors; Tisch-Arts Teachers), which is paraphrased as follows:

“In such an 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. Attempts shall first be made to find a suitable position for the faculty member within the revised curriculum or structure.”

With few exceptions, clinical faculty members must have earned a doctoral-level terminal degree (or its equivalent) in the field of public health or related disciplines (e.g., MD, DDS, JD). In addition, clinical faculty may have academic or field-based post-graduate experiences such as positions in government, non-government organizations, and the private sector.

### **Section 1.1 Clinical Assistant Professor of Global Public Health (Initial Appointment only)**

(1) For appointment to the Assistant Professor rank, the candidate shall show clear potential and evidence of high-quality performance in at least **one of three areas** of activity (teaching, public health practice, or scholarship).

(2) Appointment as Assistant Professor carries with it the possibility, but not the presumption, of reappointment or promotion to higher rank. Although the promotion process may be initiated at any time, a full-time Assistant Professor at GPH is typically in rank (at GPH or another academic institution, or a combination of both) for six years before pursuing advancement to Associate Professor.

### **Section 1.2 Clinical Associate Professor of Global Public Health (Initial Appointment and Promotion)**

(1) In addition to all of the qualifications necessary for the appointment of Assistant Professor, the candidate for the title of Associate Professor must demonstrate evidence of continued high quality in teaching, public health practice, or scholarship, as appropriate. Associate Professors should be recognized public health scholars or practitioners in their specific fields of study or disciplines. Associate Professors must demonstrate effective contributions to their service responsibilities at GPH and to their profession.

(2) Appointment as Associate Professor carries with it the possibility, but not the presumption, of reappointment or promotion to higher rank. Although the promotion process may be initiated at any time, a full-time Associate Professor at GPH is typically in rank (at GPH or another academic institution, or a combination of both) for a period of six years before pursuing advancement to full Professor.

## **9. Recommendation**

**We strongly recommend that in 1.2.2 directly above, “a period of six years” be changed to “a period of four years.” This results in a typical period of 10 years rather than 12 (six at the Assistant rank and four at the Associate rank) before a Clinical Associate Professor can typically seek promotion to Full Professor rank.**

### **Section 1.3 Clinical Professor of Global Public Health (Initial Appointment and Promotion)**

(1) The rank of Professor may be granted to those who, in addition to all of the qualifications of the Associate Professor, demonstrate significant and outstanding performance in teaching, public health practice activities, or in individual or collaborative scholarship; and who provide service to the University as well as their profession. This must include achievements since attaining the rank of Associate Professor. They must also demonstrate continued effective contributions to the service responsibilities of GPH and their profession.

(2) The rank of Professor shall be granted only after careful consideration of the individual's teaching, public health practice, scholarship, and service. National or international reputation among peers in the candidate's field should be considered. The rank of Professor shall be granted only to faculty who have made significant contributions to their discipline, and for whom there is reasonable certainty that they will continue to make outstanding contributions throughout the remainder of their contract. The rank shall not be granted as a reward of seniority and shall be reserved as a mark of distinction in the candidate's field, considering his or her contribution to scholarship and instruction. Notable academic achievements such as awards, invited lectures, and leadership roles in professional societies and advisory groups, can attest to this distinction. The Professor rank shall not be granted solely as recognition of accomplishment in administration.

### **Section 2: Duties and Standards of Performance of Continuing Contract Faculty**

The duties and standards of performance of Continuing Contract Faculty shall include excellence in teaching and instruction, inclusive of performance in classroom teaching, advising, and mentoring; quality of scholarship; quality and significance of service activities to the department/program, and GPH; and accomplishments in professional activities that are aligned with public health education or practice.

#### **Section 2.1 Teaching**

(1) All Continuing Contract faculty are expected to provide high-quality teaching and mentoring at GPH. Teaching includes workshops, lectures and

seminars, courses, and course development. Mentoring includes supervising public health practice experiences, teaching assistants, and students in the field. Continuing Contract faculty advise and mentor students whose career paths involve educational, practice-based research/scholarship and practical knowledge necessary to a specialized field or profession. Mentorship activities may also include serving on doctoral- and master's-level committees, and supervising theses and independent studies. Other types of achievements may also include innovative curriculum development in public health practice programs.

(2) Continuing Contract faculty on 12-month contracts are expected to teach five courses per year. Continuing Contract faculty on 9-month contracts are expected to teach four courses per year. With the approval of the Department Chair or Program Director and the Vice Dean, significant administrative duties and other professional activities that serve GPH and the department, or significant grant-related activities, may substitute for one or more courses during the academic year.

## **Section 2.2 Public Health Practice**

Public health practice involves the application of scholarship, knowledge, and skills. Continuing Contract faculty are expected to engage in public health practice with outside organizations, as appropriate and in accordance with University policy on outside activities and conflict of interest and commitment. This may include working with governmental agencies, community and advocacy organizations, non-governmental organizations, and international organizations. As practitioners, Continuing Contract faculty conduct population-level public health initiatives throughout the world and provide applicable services to local, state, national, and international professional organizations. Public health practice includes, but is not limited to, community service; preparation of practice-related reports and documents; tool kits; testifying/legislative work; video production; extramural teaching and training; and committee work for public health-related organizations and agencies.

## **Section 2.3 Scholarship**



In contrast to tenured or tenure-track faculty, who must establish independence and who are expected to lead programs of research, Continuing Contract faculty are expected to engage in scholarship either as an individual investigator or as a member of a research team. Scholarship often focuses on applied public health issues, public health pedagogy or practice, or the adaptation of scientific discovery into real-world settings, and may include implementation research as well as other scientific-based activities. In contrast to tenured or tenure-track faculty, there shall be no expectation that Continuing Contract faculty engage in research or scholarship that constitutes original contributions to a body of work or to the knowledge base of a disciplinary field or area of inquiry, although their scholarly work may do so.

Scholarship includes (a) submission of funding applications (as PI, MPI or Co-I, in accordance with NYU regulations) to government, foundation, and private sources and sponsors; (b) publication of peer-reviewed papers, books, book chapters, white papers, reports, and other research and scholarly works (which may or may not be peer-reviewed); and (c) invited lectures and contributions to scientific meetings.

#### **Section 2.4 Service**

Continuing Contract faculty are expected to provide service to their profession and contribute to GPH in a service capacity through activities such as: participation in internal governance at GPH and the University; leadership roles and active participation in professional organizations, and on boards of organizations; service on scientific review panels or other activities such as peer-review for journals; and serving on committees of scientific societies.

#### **Section 3: Procedures for Initial Appointment of Continuing Contract Faculty**

The process of making an initial appointment includes four steps.

(1) The department or program (hereafter referred to as “the department”) Faculty Search Committee, after consulting with faculty in the department, shall make a recommendation to the Department Chair or program director (hereafter referred to as “the Department Chair” or “Chair”).

(2) If the Department Chair concurs with the recommendation, he/she shall send the recommendation and the candidate's CV to the [Faculty Appointments and Promotion - Clinical Committee](#) (FAP-C).

(3) The FAP-C [Committee](#) shall make a determination as to whether the proposed rank of the candidate (i.e., Assistant, Associate or Full Professor) is consistent with his/her qualifications, and submit the decision to the chair of the Faculty Search Committee, the Department Chair, the Vice Dean, and the Dean.

(4) The Dean makes the final appointment decision.

### **Section 3.1 Department Faculty Search Committee (FSC)**

A Faculty Search Committee (FSC) is an ad-hoc committee that shall be composed of at least three faculty members, the majority of whom are Continuing Contract faculty; this may require the Chair to seek appropriate Continuing Contract faculty outside their department. The Department Chair shall appoint the committee and name the chair. The FSC shall work with Human Resources (HR) to develop the job description, and to advise HR on posting sites with an emphasis on attracting diverse candidates. Searches must be conducted in accordance with the [University Recruiting and Hiring Policy and Procedure for Full-Time Faculty and for Professional Research Staff](#). After the candidate interview process is completed and a preferred candidate identified, the FSC Chair shall submit the following materials to the Department Chair.

(1) The candidate's *curriculum vitae* (CV);

(2) A personal statement or cover letter (typically 2-3 pages) from the candidate (addressing the candidate's teaching, public health practice, research/scholarship, and service);

(3) A summary (typically 1-2 pages) from the FSC chair, which shall include the recommended faculty rank (i.e., Assistant, Associate or Full Professor).

(4) If the Department Chair concurs with the FSC recommendation, he/she shall send the recommendation along with the candidate's CV to the FAP-C.

## **Section 3.2 Faculty Appointments and Promotions-Contract Committee (FAP-C)**

(1) The FAP-C Committee shall review and vote on the recommendation for the candidate's rank put forth by the FSC and the Department Chair. The FAP-C Committee voting procedures must be closed (by secret ballot). Electronic balloting is permissible. Abstentions shall be noted as such.

(2) The Dean shall have the authority to address the FAP-C Committee and the FSC regarding the applicant's proposed appointment or rank at any time during the review process. The FAP-C Committee chair may also request that the FSC chair address the full FAP-C Committee regarding the proposed faculty rank. Upon conclusion of the vote, the chair of the FAP-C Committee shall send a tally of the vote, including the number of abstentions and minority votes, to the Department Chair, the Vice Dean and the Dean.

(3) The Dean takes into consideration the vote of the FAP-C committee. The Dean shall make the final decision on the appointment and the rank.

## **Section 3.3 Notification of Decision**

In the case of a positive decision by the Dean to make an offer of appointment, the Dean shall notify the Department Chair, and the Department Chair shall begin the hiring process. In the case of a decision to not appoint, the Dean shall notify the Department Chair of the decision with the reasons thereof.

## **Section 4: Review Process and Procedures for Reappointment of Continuing Contract Faculty**

### **Section 4.1 Overview**

(1) Decisions to reappoint take into account curricular or structural changes and improvements in academic programs as well as teaching demand associated with enrollment, and fiscal considerations. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint may be impacted by curricular and structural changes in academic programs within GPH, or fiscal considerations internal and external to GPH. In the case of changes to academic programs, 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 a determination is made that the faculty member is unable to teach in the revised curriculum or the new academic program then a full explanation will be provided to the faculty member.

(2) Where a position is to be eliminated at the end of the contract term, and there is no similar position open, there is no reappointment process. However, the faculty member may request a performance review for career development to be conducted within a time framework specified by the school.

## **10. 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.**

**We strongly recommend that the following language be added to the preceding paragraph (4.1.2) (paraphrased from the following policies: Center for Urban Science and Progress; Faculty of Arts & Sciences-Clinical Faculty; Faculty of Arts & Sciences-Language Lecturers; Gallatin; Liberal Studies; NYU Abu Dhabi; Nursing; School of Professional Studies; Tandon; Tisch-Arts Professors; Tisch-Teachers):**

**“In the event of curricular or programmatic changes that might jeopardize faculty reappointment, 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. Attempts shall first be made to find a suitable position for the faculty member within the revised curriculum or structure.”**

(3) In accordance with University Bylaws, Section 87(b), *Contracts and Titles*, the appointment of Continuing Contract faculty automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal. By signing the contract,

appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by a school's taking affirmative action to do so.

## 11. Recommendation

We strongly recommend that the following sentences be deleted:

**“By signing the contract, appointees acknowledge that they have received adequate notice of their termination date. Thus, reappointment can be achieved only by a school's taking affirmative action to do so.”**

This requirement is highly unusual and is not found in the NYU Faculty Handbook or in any of the approved Contract Faculty Reappointment & Promotion policies (posted on the Provost's webpage). We note that this policy is for *“Continuing-Contract”* faculty members (emphasis added). The contract should note, as is the norm, that the contracts are renewable.

## 12. Recommendation

The final two sentences in 4.3 suggests that silence from the school cannot be interpreted unambiguously and could be interpreted to mean one of two things: either a delayed reappointment decision or a decision to not reappoint, without a formal review. In the interest of fairness to the clinical faculty member, we suggest the school take affirmative action in either instance, and we recommend adding the following text, in place of the final two sentences of 4.3:

**“After formal review, Clinical Faculty will be informed in the penultimate year of their contract whether or not they will be re-appointed.”**

## Section 4.2. Reappointment of Faculty on One-Year Contracts

(1) For faculty on one-year contracts, the reappointment process is the annual review by their department chairs. This evaluation is primarily based on the candidate's Performance Activity Form, which documents teaching, practice, research/scholarship, and service to the department, GPH and the University at large, and to the public health community. The Department Chair appraises the annual Performance Activity Form, *curriculum vitae*, and teaching evaluations.

(2) The Department Chair submits a recommendation for reappointment to the Vice Dean, with final review by the Dean. The Dean makes the final reappointment decision, and the Department Chair so notifies the faculty at least four months prior to termination of the appointment, for example, by September 1 for an appointment terminating December 31.

### **13. Recommendation**

**We recommend that the Department Chair notifies the faculty at least six months prior to termination. The last sentence should read,**

**“The Dean makes the final reappointment decision, and the Department Chair so notifies the faculty at least six months prior to termination of the appointment.”**

### **14. Recommendation**

**We strongly recommend adding to 4.1.1: Clinical faculty in the first or second consecutive one-year contract must submit their Performance Activity Form to their department chair at least seven months prior to the end of their contract, to allow sufficient time for the terms laid out in 4.2.2 directly above.**

(3) Faculty on one-year appointments may be reappointed to single-year or multi-year contracts, depending on curricular or structural needs in academic programs, teaching demands associated with enrollment,

and fiscal considerations. As noted earlier in Section 1, the maximum number of continuous one-year contracts is three years.

## **15. Recommendation**

**We strongly recommend adding the following text to the paragraph immediately above (4.2.3):**

**“As also stipulated in Section 1, faculty in their third one-year contract will be subject to the same formal review procedures as faculty on longer multi-year contracts. Subsequently, they will either be terminated or appointed to a multi-year contract after their third one-year contract.”**

## **Section 4.3 Reappointment of Faculty on Multi-Year Contracts**

(1) At the beginning of each academic year in the fall, the FAP-C will establish the Faculty Reappointment Committee (FRC). The FRC, a majority of whose members will be Continuing Contract faculty, will be constituted as a sub-committee of the FAP-C committee. This FRC subcommittee will be composed of a minimum of three faculty members, drawn from the membership of FAP-C. Members of the FRC will be elected by the full FAP-C. The results of the vote will be recorded in the minutes of the first FAP-C meeting of each term. Any vacancies in the FRC will be filled by a vote of the FAP-C. Alternates for the FRC will be identified so that there are sufficient members available from each faculty rank to constitute a committee in which all members are at or above the rank of the candidate faculty member being considered for reappointment.

(2) The FRC will publish a widely-available calendar of school-level reviews of reappointments, and will communicate to faculty members a fair and timely notice of a review to take place.

## **16. Recommendation**

**We recommend that the calendar of school-level reviews of reappointments be included in this policy - as is the usual custom of NYU school contract faculty reappointment and promotion policies.**

## 17. Recommendation

Add language similar to:

**“During the first week of the academic year in the penultimate year of an appointment, faculty members receive notification that she/he is up for review.”**

(3) Review for reappointment/non-reappointment is conducted in the penultimate year of the initial term of appointment and shall be completed by the end of that penultimate year. For Continuing Contract faculty on multi-year contracts, the process begins with the Department Chair’s review of the candidate’s Performance Activity Form for all years in the current contract, curriculum vitae, and teaching evaluations, student evaluations (if these are different than teaching evaluations) other materials, as appropriate (e.g., curricular or practice products, or evidence of research engagement and productivity), and the candidate’s statement summarizing their strengths and accomplishments in teaching, research/scholarship, service and practice. A formal review of these materials and the Chair’s recommendation is then conducted by the FRC.

(4) The FRC submits a written report to the Dean, which includes the tally of the vote to affirm, reject, or amend the Department Chair’s recommendation. The votes are by secret ballot and may be conducted electronically. Where there is difference of opinion, the report may include a minority opinion. The Dean reviews the recommendations of the Department Chair and the FRC and makes the final reappointment decision.

(5) If the Dean's decision is contrary on appointment or length of contract to that of the FRC or the Department Chair, the Dean will provide the FRC and the Department Chair with the reasons. The Department Chair and the committee will then have ten business days in which to provide further information or counter-argument before the Dean's decision is finalized. The Dean notifies the faculty member in



writing of the final decision, and in the case of a non-reappointment decision, with reasons thereof.

## **18. Recommendation**

**We recommend that the phrase “in writing” be added so that the above sentence reads, “If the Dean's decision is contrary on appointment or length of contract to that of the FRC or the Department Chair, the Dean will provide the FRC and the Department Chair with the reasons in writing.”**

(6) In the case of a negative review, the final year of the contract becomes the terminal year of the appointment.

(7) A faculty member who will not be reappointed will be notified of his/her non-reappointment within that same penultimate year.

(8) Upon request, the timing of a review may be delayed by stopping the contract clock for reasonable cause that has been approved by the Department Chair and the Dean, for example for medical reasons, for hardship related to caregiving responsibilities, or by contractual stipulation or negotiation.

## **19. Recommendation**

**Specify the grounds for and process of the contract clock by adding language satisfying the following from the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, page 6:**

**“Each school process for review of full-time multi-year contracts of three years or more, including promotion reviews, must include: the grounds for stopping the contract clock for reasonable cause, e.g., medical, personal, as primary caregiver for child, spouse, parent, same-sex domestic partner, or by contractual stipulation or negotiation....”**

## **20. Recommendation**

**Clarify that on appeal of a negative decision regarding reappointment or promotion by the dean that the candidate will have access to the Review/Promotion Committee's full report, including its recommendation and any comments from the faculty, by adding the following language:**

**“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.”**

### **Section 5: Review Process and Procedures for the Promotion of Continuing Contract Faculty**

#### **Section 5.1 Overview**

Promotion of Continuing Contract faculty at GPH from Assistant to Associate Professor and from Associate Professor to full Professor involves a rigorous process that applies the highest standards of academic excellence. The process may coincide with a reappointment review. It begins at the department level. Each department should constitute a standing Departmental Promotion Committee for Continuing Contract Faculty (DPC) composed of three members, a majority of whom are Continuing Contract faculty whenever possible. Given that promotion deliberations should be carried out by faculty at or above the rank of the candidate, departments should also identify alternate members of the DPC in order to meet requirements of the DPC composition: a majority of the members should be Continuing Contract faculty and all should be at or above the rank of the candidate. If a department or program has insufficient numbers of faculty to constitute the DPC the Chair may look outside the department for appropriate members.

## **21. Recommendation**

**We strongly recommend that the majority of the committee should be made up of elected, not appointed, members.**

## **22. Recommendation**

**Add a statement indicating that the majority of the committee, when possible, should be made up of Continuing Contract faculty members.**

The DPC reviews the faculty docket, collects external evaluations, and submits a summary and recommendation to the Department Chair. The Chair then writes a recommendation letter and convenes a confidential vote of eligible department faculty. If the majority vote is to promote the faculty member, the Chair transmits the docket to the FAP-C Committee for review. FAP-C considers the material and submits its report and recommendation to the Dean, who makes the final decision. Every effort will be made to complete the promotion process within the academic year in which it was begun. Furthermore, it should be noted that a negative promotion decision is distinct from any reappointment decision; it is possible for a candidate denied promotion to continue in the same rank at GPH.

## **23. Recommendation**

**We strongly recommend adding the language (adopted by: Faculty of Arts & Sciences-Clinical Faculty; Faculty of Arts & Sciences-Language Lecturers; Gallatin; Institute for the Study of the Ancient World; Liberal Studies; NYU Abu Dhabi; NYU Shanghai; School of Professional Studies; Tandon) just following the sentence in the above paragraph that ends with "... the Dean, who makes the final decision."**

**This 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>), reads as follows:**

**"The review may be written by one or more members 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.”

#### **24. Recommendation**

We note that under 4.3 of this policy draft (under “Reappointment of Faculty on Multi-Year Contracts”), the paragraph below is already included with regard to reappointment.

We strongly recommend that the same language be placed under this section with regard to promotions: “Review Process and Procedures for the Promotion of Continuing Contract Faculty,”

“If the Dean's decision is contrary on appointment or length of contract to that of the FRC or the Department Chair, the Dean will provide the FRC and the Department Chair with the reasons. The Department Chair and the committee will then have ten business days in which to provide further information or counter-argument before the Dean's decision is finalized. The Dean notifies the faculty member in writing of the final decision, and in the case of a non-reappointment decision, with reasons thereof.”

This recommendation (adopted by: Center for Urban Science and Progress; Gallatin; Stern; NYU Abu Dhabi) is adapted from the FAS website, “PROCEDURES for Reappointment and/or Promotion” for clinical faculty:

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

## **Section 5.2 Role of the Department Chair and the Department Promotions Committee (DPC)**

(1) A faculty member may seek promotion through self-nomination; may be nominated for promotion by another faculty member of the department; or may in conjunction with reappointment review be nominated for promotion by the Department Chair.

(2) The Department Chair appoints an *ad hoc* Department Promotions Committee (DPC), composed of three faculty members, a majority of whom are Continuing Contract Faculty at the same or higher rank than the intended promotion rank. Only full professors may evaluate individuals for promotion to professor. Only full professors and associate professors may evaluate individuals for promotion to associate professors. Departments with fewer than two clinical full professors (for a candidate being considered for promotion to full professor) will draw upon eligible Continuing Contract faculty members from other GPH departments at the rank of full professor as needed.

### **25. Recommendation**

**We strongly recommend that at least some of the members of the Department Promotions Committee (DPC) be composed of elected faculty members. This is the norm in many contract faculty policies.**

(3) If the Department Chair is the candidate for promotion, the Vice Dean serves in the role typically conducted by the Chair.

(4) The “promotions packet” (also referred to as a portfolio, dossier, or docket) of materials prepared by the candidate is processed for review by the Committee. The packet is described below, Section 5.5.

(5) The review of the promotions packet includes a full and thorough assessment of the candidate’s record of achievement in: teaching, public health practice, scholarship, and service. The DPC evaluation should not be an advocacy document; it should strive to provide a fair assessment of the strengths and weaknesses of the candidate. The evaluation should indicate, with specific reasons, the basis for the departmental recommendation.

(6) The DPC submits a recommendation to the Department Chair. If the Department Chair is the candidate for promotion, the DPC forwards the recommendation directly to the Dean and the Vice Dean.

(7) If the DPC recommendation is negative, the Department Chair advises the candidate, with reasons thereof. The candidate may withdraw his or her promotion packet at this point, or permit the promotion application to go forward to a departmental faculty vote. If the DPC recommendation is positive, the Department Chair writes a recommendation letter and proceeds with a departmental faculty vote.

(8) If the vote to promote the faculty member is passed by the majority of the department, defined as half (50%) of the eligible faculty plus one, the Department Chair transmits the results of the faculty vote and the promotions packet and his/her recommendation to the FAP-C.

### **Section 5.3 Department Faculty Vote**

(1) Faculty who are eligible to vote are the department's tenured, tenure-track, and Continuing Contract faculty at the same or higher rank to which the candidate is being promoted. Votes by the eligible faculty must be by a closed (secret) vote, and electronic balloting is permitted.

(2) Prior to the vote, all eligible voting members of the department will be provided with access to the candidate's CV, personal statement, Departmental Promotions Committee summary letter, and the Chair's letter. The evaluator letters are not distributed to the eligible voting members.

(3) A reasonable effort must be made to enable eligible departmental faculty who are on leave to receive all relevant materials, to participate in the meeting and discussions of the case, and to vote. When faculty members are unable to attend the meeting because of a leave or other absence, they should be invited to make their views and opinions known to the other eligible members through written or electronic communication. Any vote by an absent eligible faculty member regarding promotion must be recorded separately to distinguish it from votes made with the benefit of the open discussion of the case. Oral voting by an absent faculty member is not permissible, and any vote by an absent faculty member must be supported by written or electronic communication.

## Section 5.4 DPC Selection of Outside Evaluators

- (1) External evaluators must be sought for faculty being promoted to Associate or Full Professor.
- (2) The DPC identifies five to ten possible evaluators who can assess the candidate's teaching, public health practice, research/scholarship, and service; from this list, at least three evaluations should be obtained.
- (3) Evaluators will normally hold a clinical or tenured position (as a full professor, in an instance of promotion to full professor), in an institution of recognized distinction as a research university, or in a position of equivalent rank in a non-academic institution (e.g., laboratory, government agency, or research institute).
- (4) Evaluators should be recognized leaders in the candidate's discipline. They should be representative of their subject, broadly defined, and not drawn exclusively from extremely narrow interest groups or specializations. For example, if one of the candidate's central strengths is research, then at least one of the three evaluators must be a public health researcher/scholar identified with broader sectors of the research area in question. The list of evaluators need not be restricted to those at United States institutions; if appropriate, evaluations should be solicited from abroad. Suggestions for external reviewers should not be solicited from colleagues of the candidate.
- (5) Evaluators cannot be suggested by the candidate; nor can the suitability of potential evaluators be discussed with the candidate. The evaluator must not be a scholar with whom the candidate has been closely associated, such as a thesis advisor, co-author, or another close associate. Individuals listed on the candidate's *curriculum vitae* as personal or professional references are not eligible to serve as outside evaluators. If the department should inadvertently solicit an opinion from someone it later learns was close to the candidate, or whom the candidate independently suggested, note of that fact must be made in the department report, and another evaluator must be sought.

## 26. Recommendation

**Consider offering a time-frame for exclusion of possible evaluators. Otherwise, if someone has had a substantial career and worked productively in the past with many others in the field, they would be disadvantaged in comparison to candidates whose work has been more solitary. We recommend 7 and 10 years for promotions to associate and full, respectively.**

- (6) Candidates may identify one or two scholars who they believe would not – for professional or personal reasons – provide a balanced evaluation. They must state in writing the reasons for this belief. The department chair and the Dean are not required to accept a candidate's request to exclude a scholar as an evaluator.
- (7) As a professional courtesy, evaluators should be given a minimum of six weeks to submit their evaluations.
- (8) The preliminary materials reviewed by the DPC must include a list of all potential evaluators who were asked to write on behalf of the candidate, including those who declined, and those (if any) identified by the candidate as inappropriate. All departmental communications (e.g., solicitation letters) with potential evaluators should be documented and included in the docket.
- (9) A letter from the department chair is sent to the possible reviewers requesting that they confirm their willingness and availability to provide a thorough evaluation by a specified date. If the evaluator does not agree to conduct the review, then another name is chosen from the list supplied by the DPC. The names of the evaluators and the letters themselves should be held in the strictest confidence and may be shared only with the DPC, the Department Chair, the Dean, and the Provost's Office, as required.
- (10) All evaluators should be provided with a file that includes the candidate's CV; personal statement of teaching, public health practice, research/scholarship, and service; and three representative publications. A copy of the relevant sections of these guidelines, drawn from Sections 1 and 2, shall also be included to guide the evaluator's assessment.

## **Section 5.5 Promotions Packet**



The Promotions Packet reviewed by the DPC shall include the following:

- (1) Candidate's current *curriculum vitae* (CV).
- (2) Candidate's 2-3 page personal statement, which addresses his/her teaching, public health practice, scholarship, and service to GPH and the field of public health.
- (3) The candidate's course listings, sample syllabi, and teaching evaluations, as applicable since his/her initial appointment or last promotion. This can also include course development and innovation, instructor development, peer observations, and evidence of continuing influence upon students.
- (4) Copies of the candidate's current key publications (up to three) and other supporting documentation (e.g., published academic book reviews of the candidate's work, videos, clinical trial protocols, etc.).
- (5) At least three evaluation letters from external reviewers.

### **Section 5.6 Role of the FAP-C Committee**

- (1) The FAP-C Committee convenes to review the candidate's promotion packet, the DPC's recommendation, the Department Chair's letter of recommendation, and a tally of the departmental faculty vote.
- (2) The FAP-C Committee discusses the material and a closed vote is taken (it may be electronic). Although the discussion is open to all FAP-C Committee members, the vote is restricted to those members whose faculty rank is at or above the rank of the candidate being voted upon.
- (3) The Chair of the FAP-C Committee presents the recommendation and the tally of the FAP-C Committee's vote to the candidate's Department Chair, the Dean, and the Vice Dean.

## **27. Recommendation**

**We strongly recommend a new section to be inserted between 5.6.2 and 5.6.3 above (adopted by: Faculty of Arts & Sciences-Clinical Faculty; Faculty of Arts & Sciences-Language Lecturers; Gallatin; Institute for the Study of the Ancient World; Liberal Studies; NYU Abu Dhabi; NYU Shanghai; and Tandon):**

**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 members 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."**

## **Section 5.7 Role of the Dean**

(1) The Dean reviews the full docket, and the reports and recommendations of the Department Chair and the DPC and FAP-C Committees, and the departmental faculty vote, and makes a final promotion decision.

(2) The Dean conveys his or her decision to the FAP-C Committee and the Department Chair, who then conveys the decision to the candidate in writing.

(3) If the Dean's decision is contrary to that of the Department Chair or the FAP-C, the Dean will provide the Department Chair and the committee with the reasons. The Chair and the committee members will then have ten days in which to provide further information or counter-argument before the Dean's decision is finalized.

Section 6: Grievance Procedures for Reappointment or Promotion Decisions

## **Section 6.1 Overview**

GPH adheres to the grievance policies as provided in the [GPH Faculty Bylaws](#) and the [NYU Faculty Handbook Grievance Procedures](#).

## **Section 6.2 Basis for Grievance**

With respect to grievances related to reappointment or promotion, outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve a violation of the 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.

## **Section 6.3 Who Can Grieve**

- (1) In accordance with the [NYU Faculty Handbook](#), Continuing Contract faculty who are not eligible for reappointment cannot grieve a decision not to reappoint. Individuals on multi-year contracts who are subject to a review process to determine whether they are to be reappointed 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. 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.

## **28. Recommendation**

**We strongly recommend that the following phrase be deleted: “for reasons other than the elimination of a position.”**

**Also, see Recommendation 8 (under Section 1) and 10 (under Section 4.1).**

**The elimination of a position does not automatically warrant a denial of the grievance process, and should be considered a basis for grievance just as other processes are that lead to non-renewal of a contract. This phrase is unusual and is not stated in the Faculty Handbook, nor is it stated in any**

**of the approved Contract Faculty Reappointment & Promotion policies listed on the Provost's webpage.**

**An elimination of a position should have a rational basis, and it should include a process for determining whether the professor can or cannot teach elsewhere in the curriculum.**

**We strongly recommend that the following language be added (adopted by: Center for Urban Science and Progress; Faculty of Arts & Sciences; Faculty of Arts & Sciences-Language Lecturers; Gallatin; Liberal Studies; NYU Abu Dhabi; Nursing; Tandon; Tisch-Arts Professors; Tisch-Arts Teachers), which is paraphrased as follows:**

**“In such an 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. Attempts shall first be made to find a suitable position for the faculty member within the revised curriculum or structure.”**

- (2) Faculty on continuous one-year appointments are entitled to grieve the process in the event the third-year review 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.

## **29. Recommendation**

**Again, we strongly recommend that the following phrase be deleted: “for reasons other than the elimination of a position.” See Recommendation 8 (under Section 1), Recommendation 10 (under Section 4.1), and Recommendation 27 above.**

**The elimination of a position does not automatically warrant a denial of the grievance process, and should be considered a basis for grievance just as other processes are that lead to non-renewal of a contract. This phrase is unusual and is not stated in the Faculty Handbook, nor is it stated in any of the approved Contract Faculty Reappointment & Promotion policies listed on the Provost's webpage.**

## Section 6.4

## School Grievance Process

- (1) In the case of all grievances, the candidate should first confer with his/her Department Chair to seek an informal resolution or explanation of the decision. In instances where the grievance is with the Chair, the candidate may confer with the Dean who will also seek an informal resolution, which shall include mediation. If not settled informally and through mediation, the candidate may submit a written request to the Dean to convoke the GPH Grievance Committee to hear grievances in order to advise the Dean. The Dean shall convoke the committee within fifteen working days of receiving the faculty member's appeal. An exception to this may be made only with the consent of the grievant, the Dean, and the Provost.
- (2) The Grievance Committee shall consist of senior level faculty, that is, tenured professors and clinical full professors who are full-time GPH faculty. Members of the Grievance Committee shall not include deans, department chairs, program directors, or any faculty member whose primary assignment is administrative. All members of the Grievance Committee shall be elected by the faculty for a three-year term. Five members shall be elected and two additional members shall be elected to serve as Alternates. The number of Grievance Committee members assembled to hear any particular case shall be no more than five, consisting of three tenured full professors and two clinical full professors.

### 30. Recommendation

**We strongly recommend that the majority of the committee should be made of clinical faculty members. Replace the following phrase: “shall be no more than five, consisting of three tenured full professors and two clinical professors,” with the following: “shall be at least three and no more than five, consisting of a majority of clinical full professors.”**

- (3) Alternate members of the committee may be called to hear a case if a primary member of the committee is recused because of a real or apparent conflict of interest. A conflict of interest exists when a committee member cannot serve objectively or when a member would derive a personal benefit from the outcome of the committee's decisions or actions. An apparent conflict of interest may exist whenever an

independent observer might reasonably question the impartiality and objectivity of a Grievance Committee member's actions or decisions due to considerations of personal gain, including but not limited to financial, scientific, or other. Examples of conflicts of interest include, but are not limited to, having a personal relationship with the grievant; serving as a current or previous mentor (either formally or informally); and collaborating on a current or previous grant, research/scholarly project, or scholarly publication. Grievance Committee members should notify the Dean immediately if they have a real or apparent conflict in any grievance case and recuse themselves from serving.

- (4) At the beginning of the academic year (on or near September 1st), the Grievance Committee shall meet and elect a Chairperson. The Secretary of the Faculty shall assist the Committee in conducting its business. The committee and Secretary of the Faculty may ask for assistance from the Office of the Provost and the Office of General Counsel, as appropriate, with respect to procedural issues.
- (5) The GPH Grievance Committee, which is advisory to the Dean, does not judge the professional merits of the case, but considers the grounds specified above in Section 6.2, and submits its findings and recommendations to the Dean. After obtaining the recommendation of the grievance committee, the Dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his or her decision, together with reasons thereof, and provide the grievant a summary of the Grievance Committee's report and information on the process for appeal.

### **31. Recommendation**

**We strongly recommend that the summary of the Grievance Committee provided to the grievant be provided by the Grievance Committee. The final sentence above should read:**

**“...the Dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his or her decision, together with reasons thereof, and include a summary of the committee's report provided by the committee and information on the process for appeal.”**

- (6) If the committee's report is accepted by both the grievant and the Dean, the matter shall be considered settled. However, if the Dean shall deny any findings of fact, or refuse to implement suggestions by the committee made

as a part of the committee's recommendations on the disposition of a case, the Dean is required to reply in writing giving in detail his or her reasons. This memorandum must be sent both to the grievant and to the committee.

## **32. Recommendation**

**Add the following language:**

**“As a standing committee of the faculty, it must regularly report to the faculty on the number of cases heard or under study.”**

## **Section 6.5 Appeal**

In the event the decision of the Dean is not to reappoint or promote, an appeal can be made to the Provost, following the procedures enumerated in the Faculty Handbook. Appeals from a Dean’s decision can be made only on the following grounds: (a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or (b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.

*The Guidelines were voted on by eligible faculty at a Faculty Meeting of the School of Global Public Health on Oct. 7, 2020. Among the 50 faculty who voted, 48 voted in favor of adopting these guidelines and 2 faculty members abstained; no faculty member voted to reject these guidelines as presented. These 50 faculty represented 82% of the school's 61 faculty.*