



Date: September 24, 2015

Memo to: David W. McLaughlin, Provost

From: Fred Carl
Chairperson, C-Faculty Senators Council
A/Y 2015-2016

Subject: Recommendations of the C-FSC and T-FSC in regard to:
Policy for the Review, Reappointment, and Promotion of Liberal Studies Full-Time Non-Tenure/Contract Faculty

At the September 24, 2015 meeting of the C-Faculty Senators Council, the attached recommendations were approved.

cc: Tom Carew, Dean, Faculty of Arts and Science
Fred Schwarzbach, Dean of Liberal Studies
Katherine Fleming, Deputy Provost and Vice Chancellor
Carol Morrow, Senior Associate Provost/Chief of Staff to the Provost
Ulrich Baer, Vice Provost for Faculty, Arts, Humanities and Diversity

C-FSC Steering Committee Members:
Randy Mowry, C-FSC Vice Chairperson
Joseph Borowiec
David Elcott
Mary Killilea
Susan Stehlik
Patrick Ying

Recommendations of the C-FSC and T-FSC in regard to:
Policy for the Review, Reappointment, and Promotion of Liberal Studies
Full-Time Non-Tenure/Contract Faculty

Background

“Dean Tom Carew [FAS] has completed a process within Liberal Studies to establish a Policy for the Review, Reappointment, and Promotion of Liberal Studies, working iteratively with [the Provost’s Office] and the Office of the General Counsel.... [The Policy] was submitted by Dean Carew...[and] was drafted by Dean Fred Schwarzbach in consultation with the FAS Dean’s office and the LS Steering Committee....” (Letter of April 23, 2015 from David McLaughlin to C-FSC and T-FSC Chairs)

The following document will enumerate various questions, comments and recommendations to the submitted Policy. Some questions and recommendations, however, are related to the process of inclusion of Liberal Studies faculty in discussions on, ability to suggest amendments to, and to vote on the Policy. These questions will appear in some of the responses to specific items in the Policy. A fuller discussion of these questions appears in Appendix A at the end of the recommendations.

Recommendations

1. Introduction, Page 1, paragraph 1, sentence 3:

“The primary responsibility of the LS faculty is a commitment to undergraduate education in LS and Global Liberal Studies (henceforth GLS).”

Recommendation

Delete. Sentences 1 and 2 in paragraph 1 adequately explain the role of LS faculty.

2. Introduction, Page 1, paragraph 2:

“The FAS Dean may make changes to these guidelines, in consultation with the Liberal Studies faculty.

Recommendation

Clarify specifically and explicitly the process of consultation with the LS faculty. Will any proposed changes be presented, discussed and voted on at the LS Faculty Assembly, the LS shared governance body that “formulates recommendations concerning Liberal Studies’s management, development,

and welfare”?¹ Is another process envisioned? Mechanisms for timely distribution to the faculty, faculty discussion, as well as the ability for faculty to present amendments, make recommendations to and vote on the Policy in a regularly scheduled LS Faculty Assembly meeting following procedures outlined in the LS Faculty Charter, should be included and stated explicitly, such as:

“Any amendment to this Policy must be in writing, submitted at least two weeks in advance to the Liberal Studies faculty for discussion, for the possibility for amendments, and for a vote at a regularly scheduled LS Faculty Assembly meeting, following the LS Faculty Charter.”

3. Page 1, Section I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty, paragraph 1.

Recommendation

This paragraph begins an explanation of the responsibilities, but not the rights, of LS faculty. Add language detailing the rights of LS faculty, including the right to academic freedom, the ability to apply for FAS funds and, where eligible, University-administered funds, health care benefits, retirement benefits, and portable tuition benefits.

4. Page 1, Section I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty, paragraph 1, sentence 1:

“Full-Time Non-Tenure Track/Contract Faculty in LS hold the title of Assistant Clinical Professor, Associate Clinical Professor, and Clinical (Full) Professor; some faculty will retain the title, Master Teacher, as detailed in the Appendix.”

Recommendation

Since LS faculty are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations. A model might be the following:

¹ “Charters of the Faculty Assembly AND Steering Committee,” page 1, paragraph 1, from LS website

“Clinical Faculty lines differ from tenure-track lines. Although clinical lines are without tenure, they are typically multiyear and research is not part of their formal responsibilities, and hence teaching loads are greater.”²

5. Page 1, Section I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty, sentence 2:

“As the responsibilities of Liberal Studies faculty are both diverse and flexible in order to meet the ongoing and changing needs of the program, the following categories of responsibilities of LS faculty are neither discrete nor mutually exclusive:”

Recommendation

Delete the first clause of the sentence preceding the comma. This section introduces the responsibilities of LS faculty members; the introductory clause states the obvious and is not needed.

6. Page 1, I. A. Teaching, paragraph 1:

“The standard teaching load for all full-time faculty is six courses per year. This may vary depending on other assigned duties or responsibilities. With the approval of the Dean, administrative and professional duties and other professional activities that serve the university or LS may substitute for one or more courses.”

Recommendation

Delete sentence two. The word “vary,” without further explanation might imply that the teaching load could be expanded. Sentence three explicitly states the mechanism for reduction of teaching load.

7. Page 1, I. A. Teaching, paragraph 2:

“Clinical faculty are also expected to:”

Recommendation

As the primary responsibilities of LS faculty is teaching, revise language to:

“Teaching responsibilities may also include:” and adjust verb tenses in bullet points accordingly.

² FAS Website, Recruitment of New Faculty, Section 1.7, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professors, Overview, <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>

8. Page 2, sentence 1:

“Serve, when asked, on senior thesis committees and, when appropriate, supervise independent studies.”

Recommendation

The language suggests that the additional duties are added to the course load. Add language specifying that supervising independent studies, which are typically very time intensive, is a choice of the faculty member, not required “when asked.” If it is, in fact, required, specify that this requirement becomes a part of the 6-course teaching load or that course load reduction is available.

9. Page 2, paragraph 2, bullet point 3 and 4:

Recommendation

Since service is one of the criteria on which faculty review is determined, give examples of service (“outreach to community at large”), e.g., providing community service by working with non-profit organizations assisting less fortunate members of the NYC community. Public identification of the faculty member doing such important work as an LS faculty member should not be required.

10. Page 2, Section C. Professional Activity, first sentence:

“LS faculty are generally practitioners and/or experts in their fields, and it is expected that they will demonstrate continuing intellectual and scholarly engagement in their fields or continuing practice at a higher level, as appropriate to the area of the appointment.”

Recommendation

The sentence is not clear: what are the criteria for evaluating the expected “continuing intellectual and scholarly engagement in their fields or continuing practice at a higher level”? And what exactly does “at a higher level” mean and who determines that? Clarify language as follows:

LS faculty are generally practitioners and/or experts in their fields. Continued creative, intellectual, and scholarly engagement in their fields is encouraged, though not required, as appropriate to the area of the appointment

11. Page 2, Section C. Professional Activity, paragraph 1, last sentence:

“In support of professional, scholarly, and creative work, each faculty member draws upon an individual Professional Development Account (currently \$2500 p.a.)”

Recommendation

Because professional, scholarly, and creative work is encouraged, as well as the expectation of a six course teaching load per year, research leave

eligibility, or a sabbatical, of at least one semester should be provided to further support that professional, scholarly, and/or creative work. A description of that eligibility, and the process governing it, should be added.

12. Page 3, sentence 1:
 “LS faculty will submit an Annual Activity Form, usually in March of each academic year, to report on their teaching, service, and professional development.”

Recommendation

“Development” is an ambiguous term in this context. Because the Annual Activity Form has a role in determining Annual Merit Increases, the language should be unambiguous. Change to “activity,” so sentence reads:

“LS faculty will submit an Annual Activity Form, usually in March of each academic year, to report on their teaching, service, and professional activity.”

13. Page 3, Section II. Appointment of Clinical Faculty, B. Titles, 1. Clinical Assistant Professor of Liberal Studies, line 2:

Recommendation

Delete “at a level of demonstrated excellence”; the phrase is ambiguous.

Change sentence to read:

“Faculty initially appointed at this rank have three years of superior teaching experience and performance (which may have been as a graduate student and need not have been full time), and demonstrated or potential expertise and accomplishment in their discipline or area of practice.”

14. Page 3, II. C. Terms of Appointments, One-year appointments:

Recommendation

To satisfy the requirement, as stated in the “University Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments,” that “school policies shall include a rationale for a FTNTT/CF title(s) that carries a one-year appointment,” add the following language:

“If a one-year contract is adopted, the LS Dean must supply a written justification, based on programmatic and academic considerations, to the LS Faculty Assembly.”

15. Page 3-4, II. C. Terms of Appointments, One-year Appointments:

“If a faculty member receives three continuous one-year appointments, a formal review, as defined below in Section III, shall take place in the third year as a condition for re-appointment.”

Recommendation

To prevent the establishment of a permanent group of LS faculty on one-year appointments (when the norm is three- and five-year appointments), add language allowing for a transition to a three-year appointment for faculty on one-year appointments who successfully complete the third-year review, such as:

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

16. Page 4, II. C. Terms of Appointments, Three-year appointments, sentence 2-3:

“Faculty are reviewed for reappointment during the penultimate year of a contract. Subsequent appointments may be for one year or three years.”

Recommendation

There is no explanation as to why a Clinical Assistant Professor on a three-year appointment would have his or her length of contract reduced to less than three years. Change sentences to read:

“Faculty are reviewed for reappointment during the penultimate year of a contract. Subsequent appointments shall be for three years.”

17. Page 4, II. C. Terms of Appointments, Three-year appointments, sentence 4:

“(With respect to promotion and apart from reappointment, Assistant and Associate clinical faculty have the option to request review for promotion in the last year of the second three-year contract, or at any time thereafter.)”

Recommendation

Delete “and Associate.” Following the next section, if five-year appointments are the norm for Clinical Associate Professors, they would not be on three-year contracts.

18. Page 4, II. C. Terms of Appointments, Five-year appointments:

“Five-year Appointments: Normally, five-year contracts are awarded only upon promotion to Clinical Associate Professor and Clinical (Full) Professor.”

Recommendation

One may interpret the sentence to mean that there are cases when a Clinical Associate Professor or Clinical (Full) Professor might receive a contract of less than five years. For clarification, delete the above sentence. Replace with the following,

“Five-year Appointments: Five-year Contracts are awarded upon promotion to Clinical Associate Professor.”

19. Page 4, II. C. Terms of Appointments, Five-year Appointments:

Recommendation

Add language about subsequent appointments, for example:

“Subsequent appointments for Clinical Associate Professor are for five years.”

20. Page 4, Section II. C. Terms of Appointments:

Recommendation

As a five-year appointment is the norm for Clinical Associate Professor, provide an increase in term of appointment for Clinical (Full) Professor; this is the case at certain schools (e.g., The Gallatin School). Also include language about subsequent appointments for Clinical (Full) Professors.

21. Page 4, Section III. Review and Reappointment of Clinical Faculty, paragraph 1, sentence 2:

“A positive review establishes that a faculty member is eligible for reappointment:....”

Recommendation

Clarify “a positive review” from whom; change language to read:

“A positive review by the Review Committee establishes that a faculty member is eligible for reappointment:....”

22. Page 4, Section III. Review and Reappointment of Clinical Faculty, paragraph 1:

“This section sets out the process and criteria for performance reviews. A positive review establishes that a faculty member is eligible for reappointment: reappointment is subject to the academic and curricular needs of the program and the University. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvements in academic programs. Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.”

Recommendation

The policy should indicate that curricular or structural changes do not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining

whether the professor can or cannot teach under the new curriculum or structure. Add the following language after the penultimate sentence:

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

23. Page 4, Section III. Review and Reappointment of Clinical Faculty:

Recommendation

Add language specifying that the Committee for Reappointment and Promotion shall be the committee that conducts reviews for both reappointment and promotion. Separate language regarding Committee’s role and process by function, i.e. put process for review and reappointment in section on review and reappointment, and put process for review for promotion in section on promotion.

24. Page 4, Section III. A. The Review Committee, paragraph 1:

“The Committee for Reappointment and Promotion consists of three LS faculty elected by the LS FT faculty (at least two of whom will be [Full] Professors), two LS faculty appointed by the LS Dean (at least one of whom will be a [Full] Professor), and two non-LS outside members from FAS appointed by the FAS Dean, one of whom will be a Clinical [Full] Professor and one whom will be tenured.”

Recommendation

The committee of 7 includes a majority of members appointed by the LS and FAS Deans. This is a significant change from current Liberal Studies review policies (see “Guidelines for Review of Faculty for Contract Renewal,” available from Liberal Studies website) and represents an erosion of faculty responsibility to conduct faculty reviews for presentation to the LS Dean. The reasoning followed in the University Guidelines for Full-Time Non-Tenure Track/Contract Faculty

Appointments for the formation of elected school grievance committees should be followed here. The following language should replace the above:

“The Committee for Reappointment and Promotion consists of *five* LS faculty elected by the LS FT faculty (at least *three* of whom will be [Full] Professors) and two non-LS outside members from FAS, one of whom will be a Clinical [Full] Professor elected by the FAS Continuing Faculty and one whom will be a tenured Professor elected by the FAS Tenured Faculty.”

25. Page 4
III. Review and Reappointment of Clinical Faculty
A. The Review Committee

First Paragraph
First sentence

“The Committee for reappointment and promotion will consist of three...”

Recommendation

Because terminology is not consistent throughout the Policy, the compositions of the review committees for promotion to Associate Clinical Professor and to Clinical (Full) Professor referred to in IV. A. are not clear.

Name the review committee, e.g., “Committee for Reappointment and Promotion”, and refer to it by name in:

III. A., second paragraph and IV. A. Review Committee, as the parent Committee from which members of the review committee for reappointment and members of the review committee for promotion will be drawn.

26. Page 4, Section III. A. The Review Committee, paragraph 1:
“The committee will be chaired by the LS Dean, who does not vote.”

Recommendation

This suggests that the Dean chairs a committee that submits a report to the Dean. It is not at all clear why the LS Dean is on this committee that reports to her/himself, and further suggests an erosion of the historical role of faculty in (and confidence in the ability of the faculty to) conduct faculty reviews. 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 LS 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:

“The committee will prepare a written review for the LS 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).”

Further, the committee should hold a secret ballot to determine the majority opinion. In that case, the minority opinion should also be included in the report as an appendix. (This conforms roughly to procedures in place at FAS and also produces a fuller accounting of the committee’s findings, which can then be accurately submitted to the LS Dean. It also provides the necessary record of process in the event that the faculty member receives a negative review.)

27. Page 5
III. Review and Reappointment of Clinical Faculty
A. The Review Committee

First Paragraph on page 5

Recommendation

Specify that a majority vote of the Reappointment Review Committee shall be required for a successful review, that all votes of that Committee shall be by secret ballot and that re-voting by that Committee shall occur only if new material becomes available.

28. Page 5, paragraph 1:

Recommendation

Between sentence 2 and 3, 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 Review and Reappointment Committee, but all members of the committee should read the review before it is submitted to the LS 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 dissenting opinion should be appended to the majority review."

29. Page 5, Section III, paragraph 2:

"The LS 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."

Recommendation

Because more detailed information and clarification is needed, and a review of promotion process needs to be included, add the following (adapted from the FAS website, "PROCEDURES for Reappointment and/or Promotion" for clinical faculty: <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>)

"The summary letter to the candidate must include the recommendation that the LS dean is making to the FAS dean, including promotion and the length of reappointment (if that is the decision), and a signature block for the candidate."

30. Page 5, paragraph 2, last sentence:

"The LS Dean will send a written recommendation to the FAS Dean, who will make the final decisions regarding reappointment."

Recommendation

To ensure that the FAS Dean receives the full record and recommendation of the Review Committee, as well as the recommendation of the LS Dean, add the following (again adapting from the FAS website, "PROCEDURES for Reappointment and/or Promotion" for clinical faculty:

(<http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment.html>)

"The LS Dean must forward the review packet to the FAS Dean along with the committee's recommendation and any comments from the faculty."

31. Page 5, Section B. Process and Timetable, timeline:

Recommendation

Add language similar to:

"During the first week of the academic year in the penultimate year of an appointment, faculty member receives notification that she/he is up for review."

32. Page 5, Section B. Process and Timetable, timeline:

Recommendation

Specify the grounds for and process of stopping the contract clock by adding language satisfying the following from the New York University Guidelines for Full-Time Non-Tenure Track/Contract Faculty, issued June 12, 2014, 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;"

33. Page 5, Section C. Materials, list of materials:

"Two peer observations of teaching"

Recommendation

Clarify the process of peer observation by referring to the explanation provided in the LS "Guidelines for Review of Faculty for Contract Renewal, Appendix A, Guidelines for Peer Classroom Observation," pgs. 11-12.

34. Page 5
III. Review and Reappointment of Clinical Faculty
C. Materials
Seventh Bullet

“Summary of professional, service, scholarly, and artistic activities and accomplishments during the appointment period”

Recommendation

Add “, provided by the candidate” for accuracy and consistency

“Summary of professional, service, scholarly, and artistic activities and accomplishments during the appointment period, provided by the candidate.”

35. Page 6
III. Review and Reappointment of Clinical Faculty
C. Materials continued
Eighth Bullet

“If appropriate, copies of publications and creative productions during the appointment period.”

Recommendation

Add “, provided by the candidate” for accuracy and consistency

“If appropriate, copies of publications and creative productions during the appointment period, provided by the candidate.”

36. Page 6, Section C. Materials, after 2nd full paragraph ending with
“LS Dean.”

Recommendation

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

“If the LS Dean's decision is contrary on appointment, title, or length of contract to that of the Review and Reappointment Committee, 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.”

37. Page 6, paragraph 3:

“NOTE: A school-level grievance/appeal process for faculty who are not reappointed is being developed and will be added to this document when it has been approved by the Provost.”

Recommendation:

The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before it is approved by the Provost.

The New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, issued June 12, 2014, notes numerous requirements and procedures for the school grievance process, including specifying who may grieve, the grounds for grievances based on non-reappointment, as well as grievances related to other issues, the process of requesting the convening by the dean of the grievance committee, and the accessibility of that grievance policy to the faculty. The policy does not address any of this, while still developing new mechanisms and policies for appointment, reappointment and promotion.

Additionally, the development of this grievance process should be undertaken by the LS faculty and submitted to the Faculty Assembly for discussion and a vote by the faculty. The process of consideration by the Faculty Assembly must include the right to offer amendments, according to the assembly's published procedures (i.e., Robert's Rules), and the vote may occur during a regular assembly meeting or by electronic ballot, as the assembly may determine.

38. Page 6, Section IV. Promotion of Clinical Faculty, sentence 2:

"In addition to the consideration of teaching, service activities, and professional, scholarly, and creative work, recommendations also may be based on a prognosis of the clinical faculty member's future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of Liberal Studies and Global Liberal Studies."

Recommendation:

Delete the above sentence. Substitute the following:

"Recommendations will be based on teaching, service activities, and professional, scholarly, and creative work."

Stating that recommendations will be based on "a prognosis of the clinical faculty member's future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of Liberal Studies and Global Liberal Studies" is overly ambiguous and does not satisfy the following (from the New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, issued June 12, 2014):

"each school shall set exacting standards embodying the highest levels of achievement that ensure the distinct excellence of the school's educational and training programs."

Basing a promotion on "dependability," "growth," "potential," or "versatility" is not exacting, as terms such as these do not name objective standards for academic advancement.

39. Page 6
IV. Promotion of Clinical Faculty
A. Review Committee

“The Review Committee for promotion to Clinical Associate Professor shall consist of the members of the Reappointment Review Committee. For review for promotion to Clinical (Full) Professor, the committee shall be comprised of the members of the Reappointment Review Committee who hold the rank of Clinical (Full) Professor or (Full) Professor. The committee will be chaired by the LS Dean, who does not vote.”

Recommendation

The review committees for promotion to Clinical Associate Professor and to Clinical (Full) Professor should be comprised of at least five members. Because of inconsistent terminology for review committees used throughout the Policy the composition of the various review committees is unclear – see Substantive Issue #1

“The Review Committee for promotion to Clinical Associate Professor shall consist of the members of the Committee for Reappointment and Promotion. For review for promotion to Clinical (Full) Professor, the committee shall be comprised of the members of the Committee for Reappointment and Promotion who hold the rank of Clinical (Full) Professor or (Full) Professor.”

40. Page 6
IV. Promotion of Clinical Faculty
A. Review Committee

Recommendation

Specify that all votes of the Review Committee for Promotion to Clinical Associate Professor shall be by secret ballot and that re-voting by that Committee shall occur only if new material becomes available.

41. Page 7
IV. Promotion of Clinical Faculty
D. Materials

“In conducting its review, the review committee shall consider evidence of accomplishments in the areas of teaching, service, and professional activity.”

Recommendation

Include for consistency that for faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in reviews for promotion, as indicated in I. B. on page 2.

42. Page 7, Section D. Materials, sentence 1:

Recommendation

Add “for promotion” before the comma, so the sentence should read:

“In conducting its review for promotion, the review committee....”

43. Page 7
IV. Promotion of Clinical Faculty
D. Materials
Second paragraph, bullet list items

Recommendation

Include in each bullet item where appropriate “, provided by the candidate” for accuracy and consistency with the bullet list in III. C.

44. Page 7, Section D, paragraph 3, penultimate line:

“referees (not nominated by the faculty member), if necessary in consultation with faculty in the candidate’s area of expertise.”

Recommendation

Delete “if necessary”; there is no explanation of when such consultation would or would not be necessary.

45. Page 7, Section D, paragraph 5, final sentence:

“A majority vote will be required to constitute a recommendation for promotion.”

Recommendation

Clarify the sentence and the process of voting by changing the sentence to read:

“Specify that all votes of the Review Committee for Promotion to Clinical (Full) Professor shall be by secret ballot and that re-voting by that Committee shall occur only if new material becomes available.”

46. Page 8:

“NOTE: A school-level grievance/appeal process for faculty who are not reappointed is being developed and will be added to this document when it has been approved by the Provost.”

Recommendation:

The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before it is approved by the Provost.

The New York University Guidelines for Full-Time Non-Tenure/Contract

Faculty, issued June 12, 2014, notes numerous requirements and procedures for the school grievance process, including specifying who may grieve, the grounds for grievances based on non-reappointment, as well as grievances related to other issues, the process of requesting the convening by the dean of the grievance committee, and the accessibility of that grievance policy to the faculty. The policy does not address any of this, while still developing new mechanisms and policies for appointment, reappointment and promotion.

Additionally, the development of this grievance process should be undertaken by the LS faculty and submitted to the Faculty Assembly for discussion and a vote by the faculty. The process of consideration by the Faculty Assembly must include the right to offer amendments, according to the assembly's published procedures (i.e., Robert's Rules), and the vote may occur during a regular assembly meeting or by electronic ballot, as the assembly may determine.

47. Page 9
Appendix: Transition Plan
I. Process
b.
final sentence

"The change from Master Teacher to a clinical title at this time will not be regarded as a promotion and will not bring with it a promotional salary increment."

Recommendation

As the declination of a promotional salary increment for Master Teachers who achieve a positive review for a Clinical title after the transition period appears to be punitive for not opting in or achieving Clinical title status during the transition period, particularly for those who receive a positive review for the title of Clinical Associate Professor of Clinical (Full) Professor, reconsider the declination of a promotional salary increment stipulation in these instances

48. Page 9, Section I. Process, paragraph d:

"An appointed committee (one senior clinical FAS faculty, one additional NYU faculty member [who may be clinical], and one member external to NYU, all appointed by the FAS Dean) reviews CVs etc....."

Recommendation

Specify that the two NYU faculty members both be full-time, continuing faculty members. All of the faculty in Liberal Studies are continuing faculty members; NYU continuing faculty should constitute the majority of the appointed committee.

49. Page 10, paragraph 2 (Section f), sentences 1 and 2:

“Faculty who believe determination of rank to be incorrect will have a limited window to appeal to the FAS Dean. The Dean’s decision is final and there will be no further right of appeal.”

Recommendation

Clarify the length of the “limited window” for appeal to the FAS Dean.

Also, explicitly state the process of appeal to the FAS Dean.

50. Page 10, paragraph 3 (Section g):

“Faculty who opt for the initial review for Clinical Assistant Professor and subsequently are not deemed qualified for the entry level rank will continue on appointment as Master Teachers, and will be eligible for reappointment as Master Teachers.”

Recommendation

LS faculty currently on three- or more year appointments have been through a rigorous evaluation process, similar to that envisioned in this new policy, in order to attain the multi-year appointment. Add language such as:

“Current service as a Liberal Studies Master Teacher on a contract of three years or more should be regarded as automatically sufficient to qualify for the title of Clinical Assistant Professor.”

51. Page 10, Section II. Salary Adjustments, paragraph a:

“New baseline salaries will be established for each clinical rank.”

Recommendation

Specify, for current faculty considering opting into the new faculty structure, what the new baseline salaries for each rank will be.

52. Page 10, Section II. Salary Adjustments, paragraph b:

“Future promotions, i.e. those that take place after the completion of the transition process, will earn a promotion increment (TBD).”

Recommendation

Specify, for current faculty considering future promotions, what the new baseline salaries for each rank will be.

53. Page 10, Section II. Salary Adjustments, paragraph c:

“Those who continue as Master Teachers in future will receive AMI awards as appropriate, but no other salary increments, and will not be eligible for base line salary adjustments.”

Recommendation

The denial of further salary increments to LS faculty who do not opt into the new faculty structure seems punitive. If opting in is not a requirement, why are those faculty members denied further salary increments and base line salary adjustments? Change sentence to read:

“Those who continue as Master Teachers in future will receive AMI awards as appropriate, and other salary increments as appropriate, and will be eligible for base line salary adjustments.”

Appendix A

As noted in the above Background (page 1 of these Recommendations, paragraph 2) significant questions have been raised by LS faculty regarding the process of development of this policy, specifically the denial of LS faculty to meaningfully participate in its development through the ability to make amendments to and vote on the policy in the LS Faculty Assembly, the LS shared governance structure with published, clear rules of procedure. Denying the faculty a meaningful role in the establishment of school policy seems to deviate from the spirit embodied in the New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, issued June 12, 2014, page 1, Section II. Formulation of School Policies, paragraph 2, sentence 1:

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

We strongly recommend that any development of this policy follow the letter and the spirit contained in the above quote from the New York University Guidelines for Full-Time Non-Tenure/Contract Faculty, allowing the LS faculty, acting, according to its charter, through its Faculty Assembly, an active, essential and meaningful role in forming and approving any new policy, which policy must necessarily include the grievance/appeal process.

Minor editorial issues:

1. Page 1
 - I. Responsibilities of Full-Time Non-Tenure Track/Contract Faculty:

“Full-Time Non-Tenure Track/Contract Faculty in LS hold the title of Assistant Clinical Professor, Associate Clinical Professor, and Clinical (Full) Professor; some faculty will retain the title, Master Teacher, as detailed in the Appendix.”

Recommendation

Change “Assistant Clinical Professor” and “Associate Clinical Professor” to, respectively, “Clinical Assistant Professor” and “Clinical Associate Professor” for consistency with the titles indicated in II. B

2. Page 3
 - II. Appointments of Clinical Faculty
 - A. Criteria
 - First paragraph
 - Third sentence:

“Based on the discipline, a doctoral degree is not necessarily required to be a clinical faculty member.”

Recommendation

A doctoral degree cannot be required to be a clinical faculty member.

Rearrange as:

“Depending on the discipline, a clinical faculty member may not be required to hold a doctoral degree.”

3. Page 4, footnote 1

“Faculty on appointment before September 2015 who continue at the rank of Master Teacher will be reviewed using the same process and the same criteria as Clinical Assistant Professors. ”

Recommendation

Add “for”:

“Faculty on appointment before September 2015 who continue at the rank of Master Teacher will be reviewed using the same process and the same criteria as **for** Clinical Assistant Professors. ”

4. Page 4
 - III. Review and Reappointment of Clinical Faculty
 - A. The Review Committee
 - First Paragraph
 - First sentence:

“The Committee for reappointment and promotion will consist of three LS faculty elected by the LS FT faculty (at least two of whom will be [Full] Professors), two LS faculty appointed by the LS Dean (at least one of whom will be a [Full] Professor), and two non-LS outside members from FAS appointed by the FAS Dean, one of whom will be a Clinical [Full] Professor and one of whom will be tenured.”

Recommendations

Change both references to “[Full] Professors” to “Clinical [Full] Professors”

5. Page 4
 III. Review and Reappointment of Clinical Faculty
 A. The Review Committee
 Second Paragraph
 First sentence:

“For review for reappointment of Clinical (Full) Professors, the committee shall be comprised of the members of the Reappointment Review Committee who hold the rank of Clinical (Full) Professor or (Full) Professor.”

Recommendation

Rephrase as:

“The performance review committee for reappointment of Clinical (Full) Professors shall be comprised of the members of the Committee for Reappointment and Promotion who hold the rank of Clinical (Full) Professor or (Full) Professor.”

6. Page 5
 Second paragraph
 First sentence

“The LS 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.”

Recommendation

Rephrase as:

“The LS Dean will provide the candidate 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, the Dean’s own assessment, and the continuing programmatic need for the appointment.”

“Candidate” and “faculty member” are used interchangeably to indicate the person being considered for reappointment or promotion, even in the same context, throughout the document. For example, see the top of page 6.

For consistency, use only either “faculty member” or “candidate” throughout as applicable in context.

7. Page 5
C. Materials
Second paragraph

“The review committee will consider the following as well as such other materials that the candidate may supply or the committee request:”

Recommendation

Add comma after “following” and “may” after the second “committee”

8. Page 6
IV. Promotion of Clinical Faculty
A. Review Committee:
Second sentence

“For review for promotion to Clinical (Full) Professor, the committee shall be comprised of the members of the Reappointment Review Committee who hold the rank of Clinical (Full) Professor or (Full) Professor.”

Recommendation

To make parallel with the previous sentence, rephrase as:

“The review committee for promotion to Clinical (Full) Professor shall be comprised of the members of the Reappointment and Promotions Committee who hold the rank of Clinical (Full) Professor or {Full} Professor.”

9. Page 7
IV. Promotion of Clinical Faculty
C. Criteria for Promotion
2. Criteria for Promotion to Clinical (Full) Professor
First sentence

“A clinical faculty member ordinarily should have spent at least twelve years as a full-time faculty member (with up to six years counting from full-time employment at other colleges or universities) and at least six as an Associate Professor, before applying for the rank of (full) Professor. Promotion requires sustained excellence in teaching, service and administration, artistic and professional activity, and peer recognition in the applicable field.”

Recommendation

For consistency, insert the word “Clinical” and capitalize “full” as:

“A clinical faculty member ordinarily should have spent at least twelve years as a full-time faculty member (with up to six years counting from full-time employment at other colleges or universities) and at least six as a Clinical Associate Professor, before applying for the rank of Clinical (Full) Professor. Promotion requires sustained excellence in teaching, service and administration, artistic and professional activity, and peer

recognition in the applicable field.”

10. Page 9
Appendix: Transition Plan
I. Process
d.
first sentence

Recommendation
Replace” clinical” with “Clinical”

11. Page 9
Appendix: Transition Plan
I. Process
d.
iii.
first sentence

Recommendation
Add “Clinical” before (Full) Professors