

November 14, 2020

From: Robert Lapiner, Co-Chair, PP&TM

Re: PP&TM Committee Activities

The Personnel Policies and Tenure Modification Committee began the semester by starting to review the comprehensive new policies for tenure that have been developed by NYU-Abu Dhabi and supported by its faculty, and that had been forwarded to the T-FSC in the spring of last year.

However, our attention to NYU-AD was of necessity redirected immediately prior to the last T-FSC meeting to examine policies developed by the Grossman School of Medicine that call for a procedure uniquely designed for the GSOM in evaluating allegations of misconduct and determining the bases for the removal of tenure—and dismissal—for cause. There are two other related policies, concerning dismissal of tenure-track faculty members for cause, and procedures for lesser disciplinary actions against tenured or tenure-track faculty for 'infractions' that don't rise to tenure removal or dismissal.

It is to be noted that University guidelines require that any policy that is conceived not to complement but to supersede those of *The Faculty Handbook* must be approved by the President and the Trustees of the University.

Accordingly, PP&TM has prepared a document for the attention of the T-FSC at our November 19 meeting. It incorporates our committee's observations and concerns in the usual fashion, namely as a running commentary on points that arise sequentially in the policies that have been submitted to our review. We encourage you to read it carefully in advance of our meeting, so that we can have a robust discussion. It is urgent that you do so because the President's Office has requested feedback on the policies from the T-FSC no later than November 20th. Thus, any needed changes that arise at our meeting will have to be incorporated overnight to meet that deadline.

By way of summary, our Committee strived to flag the most salient issues we saw in the content and the verbal formulation of the three interrelated policies—providing some conjectural examples of problems we could anticipate, while striving to avoid any assumptions on our part about intent. To the Committee, the most critical issues involved these areas in particular:

- 1) The lack of clarity about the opportunities that T-Faculty had in the design of (and support for) these new policies, and a related concern about the anomaly—and the alarming precedent for the university as a whole—that GSOM C-Faculty had a majority/controlling voice in voting on these policies that pertain only to T-Faculty.
- 2) An underrepresentation of T-Faculty from other NYU Schools in the recommended hearing process (and the absence of any representation outside of the Health Sciences); as proposed, the Hearing panel would allow the GSOM representatives to have a majority voice in any decision—especially troublesome with respect to due process because all the GSOM faculty representatives proposed in the policy hold administrative positions to which they have been appointed by the Dean. We recommend an expansion of representation that would enlarge the GSOM cohort to include members voted upon by the T-Faculty.
- 3) Problematic language about the bases for allegations of cause—whether for the removal of tenure or lesser disciplinary actions. As formulated, key prefatory passages are so open-ended as to invite the potential for abuse—and at the least, to feed a climate of distrust.