



December 10, 2015

Memorandum To: Allen Mincer, Chair, T-FSC
Fred Carl, Chair, C-FSC

From: David W. McLaughlin, Provost *DWM*

Subject: **Policy for the Review, Reappointment, and Promotion of Liberal Studies Full-Time Continuing Contract Faculty**

I write in response to your September 24 memos transmitting the recommendations of the T-FSC and the C-FSC with respect to the policy document that I transmitted for Council comments on April 23, 2015. That document is now entitled Policy for the Review, Reappointment, and Promotion of Liberal Studies Full-Time Continuing Contract Faculty.

The Councils submitted identical 22-page documents with 53 recommendations and 11 “minor editorial issues.” As is my practice, I carefully reviewed each recommendation in consideration of the extended, collaborative, and iterative process that culminated in the Policy and in consultation with the school deans, Thomas Carew and Fred Schwarzbach. Importantly, I reviewed the Council recommendations with reference to the University Guidelines for Full-Time Continuing Contract Faculty Appointments – which give expression to general principles that apply across the board while leaving schools the flexibility to implement them.

I have determined that many recommendations strengthen and improve the policy. Other recommendations are not consistent with University Guidelines, would legislate school policy and process – a privilege that lies in the province of the school –, or address matters of process at a level of detail inappropriate in a policy document. My comments on each recommendation are presented below.

Following my review, the Policy was amended to incorporate many of the Councils’ recommendations. I am attaching a redlined version showing changes made in accordance with FSC recommendations, and a clean final Policy. I now consider the iterative process to be complete. The Policy is effective December 15, 2015.

The Policy incorporates the new name of the Full-Time Continuing Contract Faculty, which was formally approved by the Board of Trustees on December 9, 2015 as an amendment to the University Bylaws.

Response to the Recommendations

A number of recommendations improve the readability of the document, including by clarifying intent, reducing duplication, and using terminology consistently. The following

recommendations are approved without further discussion: *Recommendations 1, 5, 6, 7, 12, 13, 17, 18, 19, 23, 25, 33, 34, 35, 39, 42, 43, and 44.* In addition, all the recommendations to address “minor editorial issues” are approved.

These additional recommendations are approved as follows:

- *Recommendation 2* to specify the process for engaging LS faculty in making amendments to the Policy.
- *Recommendation 3* to add language detailing the rights of LS faculty.
- *Recommendation 4* to add language describing differences between tenured faculty expectations and non-tenured faculty expectations.
- *Recommendation 16* to clarify that for Clinical Assistant Professors on a three-year appointment, subsequent appointments are for the same duration.
- *Recommendations 26* to provide that the review committee chooses its own chair, following relevant FAS rules.
- *Recommendations 27, 40, and 45* to require that a majority vote of the review committee is required for a successful review and that all votes of that Committee are by secret ballot. The proposed language with respect to re-voting is not accepted, as it will unduly restrict the Committee’s prerogative to determine its own process of deliberation.
- *Recommendation 28* to add language detailing the process governing the creation of the review committee’s report, following FAS rules for clinical faculty.
- *Recommendation 29* to add language detailing what is included in the Dean’s summary letter to the candidate, following FAS rules for clinical faculty.
- *Recommendation 30* to add language detailing the review packet that the LS Dean forwards to the FAS Dean, following FAS rules for clinical faculty.
- *Recommendation 31* to provide notification in the first week of the academic year to faculty who are up for review that year.
- *Recommendation 32* to specify grounds and process for stopping the contract clock, by incorporating language from the University Guidelines.
- *Recommendation 38* to delete from promotion considerations a prognosis of the candidate as he or she will contribute to the LS and GLS missions.
- *Recommendation 41* to provide that for faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in promotion reviews.

- *Recommendation 49* to clarify the window of time that faculty members have to appeal a determination of rank and the appeal process.

With respect to other recommendations:

- A number of recommendations are not fully consistent with the University's commitment to excellence in teaching, research, scholarship, and artistic achievement, as reflected in the University Guidelines with respect to reappointment and promotion.
 - *Recommendation 9* proposes to broaden the school's definition of service, which by design emphasizes service to the university, the profession, or the scholarly community; the proposed criterion of service to "less fortunate members of the NYC community" is admirable but irrelevant in reappointment and promotion reviews.
 - *Recommendation 10* proposes – contrary to longstanding LS policy and practice – that continued creative, intellectual, and scholarly engagement is not expected of LS faculty.
 - *Recommendation 15* proposes to automatically move faculty members completing three one-year appointments to three-year appointments, without consideration of performance and excellence.
 - *Recommendation 22* is overly specific with respect to reappointment review; the existing language is consistent with the Guidelines, which are cited verbatim.
 - *Recommendation 50* proposes to make current service automatically sufficient to qualify for the title of Clinical Assistant Professor, whereas the school has determined that minimum qualifications for the rank of Clinical Assistant Professor exceed those previously in effect for Master Teacher.
- *Recommendation 8* proposes to stipulate internal procedures for determining reductions in teaching load for various administrative and other assignments at a level of detail inappropriate for a policy statement.
- *Recommendation 11* proposes to require LS to provide a one-semester sabbatical or research leave; however, LS already has in place adequate mechanisms to support faculty research, scholarship, and creative activity.
- *Recommendation 14* misinterprets the University Guidelines: the justification for Continuing Contract Faculty titles that carry a one-year appointment is submitted by the Dean to the Provost.
- *Recommendation 20* proposes to legislate the length of contracts for full Clinical Professors, a matter that resides at the school level.
- With respect to recommendations about the reappointment and promotion review committee:
 - *Recommendation 21* proposes that the role of the committee is decision-making; rather, its role, like similar committees in all schools, is recommendatory.

- *Recommendation 24* proposes that all committee members must be elected; the school's position, which I support, is that the review committee must include appointed as well as elected members. Note that after consultation with the FAS and LS Deans, the composition of the committee is amended to add an additional elected member from the LS faculty; this mirrors the current balance of elected and appointed members on the FAS tenure and promotion committee.
- *Recommendation 36* proposes to provide the committee with an opportunity to respond to the dean's recommendation; the Policy already gives the candidate an opportunity to counter the dean's recommendation, and already requires the LS Dean to provide the committee vote as part of his recommendation.
- *Recommendations 37 and 46* relate to grievance policy pertaining to non-reappointment. A transition grievance process for FAS and LS, approved by the Provost, is in place; ultimately, the composition of the committee will be revisited in full consultation with the faculty.
- *Recommendation 47* confuses a change in designated title with promotion.
- *Recommendation 48* legislates on the composition of the committee that will review current faculty who opt into the review process for assignment to the senior clinical ranks – a matter that properly has been decided by the school.
- *Recommendation 53* proposes to extend promotion increments to Master Teachers – when no such promotions are possible.
- *Recommendations 51 and 52* relate to salary adjustments. In reviewing these sections, FAS and LS recommend that references to baseline salaries be removed, since the plans to review salaries are still to be finalized.

Attachments:

Policy for the Review, Reappointment, and Promotion of Liberal Studies Full-Time Continuing Contract Faculty (redlined version and clean final version)

Copy to: Thomas Carew, Dean, Faculty of Arts and Science
 Fred Schwarzbach, Dean, Liberal Studies
 Ulrich Baer, Vice Provost for Arts, Humanities, and Diversity
 Carol Morrow, Senior Associate Provost and Chief of Staff
 Peter Gonzalez, Assistant Provost, Faculty Appointments
 Karyn Ridder, Manager of Faculty Governance