



NEW YORK UNIVERSITY

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Office of the Provost

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David W. McLaughlin *Provost*

May 1, 2013

Memorandum to: Ted Magder, Chairperson, Faculty Senators Council, AY 2012-13

From: David W. McLaughlin, Provost

Re: FSC Recommendation about Division of Libraries Revised Faculty Bylaws: Proposal to Create a Non-Tenure Track

The Provost's Office appreciates the FSC review of the proposal by the Division of Libraries to create a non-tenure track category and its March 14 recommendation that was submitted to me on March 20.

In its recommendation, the Joint Committee on Tenure Modifications and Personnel and Affirmative Action "conceded that overall this proposal should be approved." With my approval, the revised Faculty Bylaws thus take effect immediately. As I noted in my February 20 letter to the FSC, I reiterate that these revised Faculty Bylaws will be employed until such time as University guidelines for full time non-tenure track faculty are adopted. At that time, Libraries will need to amend this interim document to be consistent with the guidelines.

In approving the proposal, the FSC also raised "certain objections" to "specific aspects of the revision that need explanation." I respond below to each of the five questions that the Committee raised. In response to your questions 2, 3, 4, and 5, I am transmitting explanations provided by Dean Mandel.

1. The committee members had a problem with wording of the introduction, namely the sentence "As with all NYU and School policies, these guidelines are subject to change and it is the policies in effect at the time of any action that apply." It was the understanding of the committee that in certain instances it is the policy in effect at the time of hire that is controlling. This issue needs to be clarified.

The changes in the policy you reviewed relate to the introduction of a new non-tenure track faculty category (assistant/associate librarian of practice). We certainly believe that the policy could be changed to redefine or eliminate this non-tenure track faculty category, or to amend the appointment processes. Assistant/associate librarians of practice who might be affected by such changes would retain certain rights with respect to the years remaining on their appointments.

This statement or the equivalent of it appears in a number of university documents, including the Steinhardt Guidelines for Clinical Faculty, reviewed by the FSC in 2010, which read, “If at any point these Guidelines are inconsistent with NYU policies, then the NYU policies then in effect will control. As with all NYU and School policies, these Guidelines are subject to change and it is the policies in effect at the time of an action that apply.” This position is reflected in the University’s [Policy on Policies](#), which provides (in the section entitled Reservation of Rights) that “members of the University Community are subject to University and other policies as in effect from time to time. For example, if a new policy is promulgated or an existing policy is amended to require the advance written approval of a certain action, then the certain action may not be taken as of the effective date of the new policy or amendment without the required advance approval.” These statements reflect the reality here, as well as at other universities, that policies are subject to change, for example, to be responsive to changes in government regulations and accepted best practices.

In addition, the last sentence of the introduction with respect to the ease by which changes to the bylaws could be made needs further clarification as to the process and approvals required for such changes.

The last two sentences of the introduction read, “The electronic format will allow changes to be easily incorporated and uploaded to the Internet as needed. Additions will be included as new materials become available.” These sentences pre-exist the proposed revisions. They refer to the technical means by which changes are incorporated and publicized. The process of making changes is described in Sections VIII Amendments and IX Adoption of Bylaws.

2. The committee had questions relating to the process by which this proposal was generated. In particular, were the changes proposed to the Library Council discussed beforehand with said Library Council? Was the general proposal brought to the Council before being presented to the whole faculty for a vote?

At the outset of the process to consider a new non-tenure track category for the Division of Libraries, Library Council held a faculty forum to explore the issues and articulate faculty views. That discussion provided the basis for the current Bylaws revision.

3. With respect to reappointments and promotions on the new non-tenure track, it is unclear what the criteria are and who will do the evaluation. Exactly what are the “expected performance standards?”

The criteria for promotion to Associate Librarian of Practice are specified to be the same as those for appointment to this rank and are described in Section V.2.c.i. The Libraries Bylaws do not provide details specific to the criteria for individual positions and do not describe the Libraries’ well-established operational evaluation process. (See, for example, Section IV.3.b.i., which has provided similar language regarding criteria for appointment and promotion to Associate Curator.) Thus, the Bylaws revision is consistent with the Bylaws language and provisions long in place in the Division.

4. The committee suggested that in the case of appointments made for two, three or five years, notification of reappointment or non-reappointment be made no less than one year before the appointment expiration date.

This is a helpful suggestion to be considered. Given the interim nature of these Bylaws, this issue will be revisited in conjunction with the new University Guidelines now in development.

5. Will it be possible to switch tracks between tenure and non-tenure track? And if so, under what circumstances?

The revised Bylaws specify the nature of the track for Library Associates (Section V.2.a.i) and the expectations regarding changing tracks for Librarians of Practice (Section V.1. first paragraph under description of Assistant/Associate Librarians of Practice). The Bylaws do not explicitly provide for the possibility of a tenure track faculty member resigning his/her position to pursue a different position as Librarian of Practice; we will add such language if recommended by the new University Guidelines.

Cc: Bonnie Brier, Senior Vice President, General Counsel and Secretary
Katherine Fleming, Deputy Provost and Vice Chancellor, Europe
Peter Gonzalez, Assistant Provost, Academic Appointments
Mary Ann Jones, FSC Secretary
Carol Mandel, Dean, Division of Libraries
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