



February 9, 2015

Memo to: Ann Marie Mauro
Chairperson, N/C Faculty Senators Council

From: David W. McLaughlin 

Subject: **N/C Faculty Senators Council Recommendations for the Faculty Handbook**

Thank you for the review and recommendations of the Task Force on Review of the Faculty Handbook and Guidelines with respect to the proposed September amendments to the current April 2014 edition of the Faculty Handbook. As you know the September amendments were developed by the Office of the Provost and the Office of General Counsel working with the T-FSC. I reviewed the comments that the N/C-FSC as well as the T-FSC submitted in November, and was also advised of the discussion at the December 9 joint meeting of T-FSC and N/C-FSC representatives with the administration.¹ In December, I also consulted the Deans about proposed amendments to the Handbook.

Based on this iterative process, my office finalized the new edition of the Faculty Handbook, which will be transmitted to the Trustees for review at its February 19, 2015 meeting. Subject to Trustee approval, the Handbook will be effective as of March 1.

I am attaching a clean copy as well as a redlined copy that tracks changes to the April 2014 edition. The new Handbook will be posted and the redlined document will be archived at <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook.html>.

The Faculty Handbook incorporates the University Guidelines for Full-Time Non-Tenure Track/Contract Faculty. After an iterative process in fall 2014 that considered the recommendations of the two faculty senators councils and the deans, my office in consultation with the Office of General Counsel amended the Guidelines that were first posted on an interim basis in June 2014. I address these amendments in a separate memo.

Again, I appreciate the Council's careful review of the Handbook, and your suggestions for improving this important document. In the following pages I respond to each issue that the Council raised in its November memo.

¹ Meeting participants were Warren Jelinek, Jim Uleman, and Mitchell Kane representing the T-FSC Governance Committee; John Halpin and Fred Carl, Co-chairs of the N/C-FSC Task Force on Review of Faculty Handbook and Guidelines; General Counsel Terry Nolan, Senior Associate Provost Carol Morrow, and Assistant Provost Peter Gonzalez.

**RESPONSE TO N/C FSC NOVEMBER 2014 RECOMMENDATIONS
ABOUT SEPTEMBER 2014 DRAFT HANDBOOK
(N/C-FSC page references cite the September 2014 draft)**

Recommendations 1- 3:

1. Foreword: Amending the Faculty Handbook, final sentence of Paragraph 1:

“Nothing in this Handbook constrains the Board of Trustees from making changes to this Handbook with respect to any matter, and in the manner, it finds appropriate in carrying out its duties; and administration will notify the Executive Committee of the Faculty Senators Council if the Board of Trustees makes any change to the Faculty Handbook.” Recommendation: Add “and the Steering Committee of the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after “Faculty Senators Council.”

2. Foreword, Amending the Faculty Handbook,

Paragraph 3: Recommendation: Similarly to the above Recommendation, add “and the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after every mention of the “Faculty Senators Council” (lines 1, 6, 7, 9, 12); and add “and the Steering Committee of the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after “Faculty Senators Council” (line 11). Or, simply add an “s” to every mention of Faculty Senators Council, as in “Faculty Senators Councils.”

3. Foreword, Footnote 2:

Recommendation: Similar to the above Recommendation, add “and the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after every mention of the “Faculty Senators Council” (lines 9, 11, 13); and add “and the Steering Committee of the Full-Time Non-Tenure Track/Contract Faculty Senators Council” after “Faculty Senators Council” (line 10).

The consultative and notification processes for amending the Handbook that apply to the T-FSC shall also apply to the N/C-FSC; this was the intent of the September amendments and is agreed by the T-FSC as well. The Handbook incorporates Recommendation 1, 2, and 3.

4. Foreword, Important Additional Information: The first sentence states “schools and colleges will supplement this text with information on local procedures and day-to-day operations.” Recommendation: In first sentence, clarify that “schools and colleges will supplement this text with information on local procedures and day-to-day operations,” and add “but they cannot contradict policies in the Faculty Handbook.”

The Handbook reads, “schools and colleges will supplement this text with information on local procedures and day-to-day operations, consistent with University Bylaws, this Handbook, and University Policies.”

5. Principles of Shared Governance, Page 16, Items 1-5. Recommendation: Clarify that these Five Principles of Joint Shared Governance apply at present to both the T-FSC and the FTNTT/CF FSC, either by repeating them, with the appropriate Council name change, in the section on this page for the FTNTT/CF Senate Council, or create a new section clearly stating that the Principles apply to both faculty senate councils.

Extending the Principles of Joint Shared Governance to the N/C-FSC was anticipated in the September draft. The T-FSC also requested that this be further clarified. Accordingly, the Handbook creates a new section entitled “Principles of Joint Shared Governance” that appears after the sections on the two Faculty Senators Councils.

6. *Faculty Policies Applicable To All or Most Members of The Faculty Including... Recommendation: Delete the words “OR MOST” since the heading specifies the three defined categories of faculty.*

The heading accurately communicates that not everything in this section applies to every faculty member. For example, “Restriction on Outside Employment” does not apply to part-time faculty. Accordingly, the existing language is retained.

7. *Teaching and Research Assignments for Full-Time Faculty, Page 29 line 4, final full sentence: Recommendation: Clarify explicitly that some school policies do not require all full-time faculty to be engaged during the summer in “scholarly activity for professional growth.”*

The Handbook deletes the sentence, “The summer months are generally expected to be spent partly in scholarly activity for professional growth and partly in rest and recreation.”

8. *Term of Administrative Appointments [Bylaw 77], Page 35: Appointment to an administrative office, including but not limited to the office of executive dean, dean, vice dean, associate dean, assistant dean, director, secretary, department head, and department chair, will be without limit of time, unless otherwise specified, but may be terminated at any time without prejudice to any rights of the officer as holder of a professorship...” Recommendation: Clarify that the word “professorship” is a general term, and therefore applies to both tenured/tenure track faculty and full-time non-tenure-track/contract faculty.*

The Handbook adds a sentence after the full citation of Bylaw 77: “A faculty member's otherwise contractual rights are not affected solely by removal from an administrative position.”

9. *Policies Applicable To Tenured And Tenure Track Faculty, Title I, Section I, II and IV, page 37. Recommendation: For clarity, since the references to academic freedom stated here apply to both tenured/tenure track faculty (hereinafter referred to as “TTF”) and non-tenure track/contract faculty (hereinafter referred to as “NTT/CF”), begin this section with those policies (see Page 28, paragraph 6: “Tenured faculty members are also entitled to other protections related to tenure and academic freedom, discussed in more detail....”) that refer only to TTF, e.g., Title I, Section III, V-IX. 3.*

The statement on Academic Freedom and Tenure is a coherent self-contained document that appropriately resides in full in the section on Policies Applicable to Tenured and Tenure Track Faculty. This important document was formulated as a whole and its integrity is not served by splitting the document or presenting it out of sequence. Accordingly, the existing language is retained.

10. *Title IV, General Disciplinary Regulations Applicable to Both Tenured and Non-Tenured Faculty Members on the Tenure Track, page 51. Recommendation: As there is no set of general disciplinary regulations applicable explicitly to FTNTT/CF in the Faculty Handbook or the Guidelines (see below), a set of regulations and policies that mirror those set forth here in Disciplinary Procedures, Sections B. 5 through B. 10 for TTF must be developed that explicitly apply to FTNTT/CF. There should be a sense of urgency to the development of those regulations, but, most importantly, they should be guided by parallelism when compared to those set forth here for TTF. Those regulations should reiterate explicitly that language such as that stated in Title IV, #1 [General obligations]), #2. [Particular obligation], Disciplinary Procedures, Section A, Section B.1, B. 2, B. 3, B. 4 apply to all faculty, regardless of tenure or contract status. In the interim, it should note in the Handbook that the immediately above-mentioned sections do, in fact, apply to all faculty.*

Title IV Disciplinary Procedures are part of the University’s “Statement in Regard to Academic Freedom and Tenure,” tenure regulation and derive from the AAUP 1940 statement on Academic Freedom and Tenure. Title IV procedures apply to Tenured/Tenure Track Faculty, and reflect the special

circumstances of disciplining faculty who have the (potential) protection of life-time employment. Issues related to disciplinary procedures for FTNTT/CF will be discussed more fully later this spring. Pending this review, disciplinary procedures that apply to all University employees (other than the tenured/tenure track faculty) will apply to FTNTT/CF.

11. Sabbatical Leave, Eligibility, Page 54, paragraph 1. Recommendation: Add clarifying language, such as: Except where permitted by school policies that permit FTNTT/CF sabbatical leaves, eligibility for a sabbatical leave is limited to full-time members of the faculty who have achieved tenure rights....” Or “Eligibility for a sabbatical leave is limited... full-time service as members of the faculty at New York University and, when permitted by specific school policies, to FTNTT/CF, according to those policies.”

The Handbook adds the phrase, “Except as provided by school policies that permit sabbatical leaves for Full-Time Non-Tenure Track Contract Faculty.”

12. Faculty Policies Applicable To Full-Time Non-Tenure Track/Contract Faculty, Page 60. Recommendation: Following the suggestion in the Memorandum to Provost David W. McLaughlin, dated October 13, 2013, “University Guidelines for Full-Time Contract Faculty Appointments,” from Jules Coleman and Carol Morrow, we recommend that the grievance procedures for FTNTT/CF (see below for our specific recommendations related to the Guidelines) be incorporated into the Faculty Handbook.

Pending further amendments to the Guidelines, as described in my separate memo on this subject, and ultimately Trustee approval of them, my preference is for the Handbook to continue to incorporate the Guidelines as a hyperlink (as it does for Selected University Policies).

Attachment

Faculty Handbook, February 2015 (clean and redlined)

Cc: N/C-FSC Steering Committee Members: Randy Mowry, Vice Chairperson, Fred Carl,
David Elcott, Mary Killilea, Susan Stehlik, Patrick Ying
Peter Gonzalez, Assistant Provost, Academic Appointments
John Halpin, N/C-FSC Task Force Co-Chair
Carol Morrow, Senior Associate Provost and Chief of Staff to the Provost
Terry Nolan, General Counsel and Secretary of the University
Karyn Ridder, Manager, Office of Faculty Governance
Raghu Sundaram, T-FSC Chairperson