

TWENTY-FIVE PRINCIPLES REGARDING SCHOOL POLICIES FOR APPOINTMENT, REAPPOINTMENT AND PROMOTION FOR FULL-TIME CONTINUING CONTRACT FACULTY– Recommendations/Requirements for Continuing Contract Faculty contracts & policies (NYU)

Endorsed by the C-FSC Personnel Policies and Contract Issues Committee and the C-FSC Steering Committee on 3.17.2016; Amended 10.18.2018

1. FACULTY GOVERNANCE

The New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II., Formulation of School Policies, paragraph 2, sentence 1, states:

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

Clarify specifically and explicitly the process of consultation with the Continuing Contract faculty.

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 Continuing Contract Faculty, allowing the Continuing Contract faculty, acting according to the school’s governance structure (e.g., its Faculty Assembly or similar body, faculty meeting, etc.), an active, essential and meaningful role in forming and approving any new policy, which policy must necessarily include the grievance/appeal process.

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 faculty meeting following procedures outlined in the school’s governance structure, should be included and stated explicitly.

2. CHANGES TO POLICY

The policy should follow the letter and the spirit contained in the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II., Formulation of School Policies, paragraph 2, sentence 1, which states:

“In response to these guidelines and as appropriate thereafter, schools shall formulate or amend their policies in accordance with existing school governance processes and with the expectation that Full-Time Continuing Contract Faculty shall participate in formulating

and/or amending the school policy to the extent and manner in which school governance policies permit.” Add the following:

“Mechanisms for timely distribution of any amendments to the Policy 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 faculty meeting following procedures outlined in the school’s governance structure, should be included and stated explicitly.”

3. CONTINUING CONTRACT FACULTY AND TENURED FACULTY DISTINCTION

Since Continuing Contract faculty are exclusively non-tenured, add language describing the differences between tenured faculty expectations and non-tenured faculty expectations. This is important because in some schools Continuing Contract faculty primarily have teaching responsibilities, while in other schools Continuing Contract faculty are expected to maintain an active scholarly, research, creative and/or professional life.

For faculty in schools without continuing research/creative expectations for Continuing Contract faculty, continued creative, intellectual, and scholarly engagement in their fields can be encouraged, though not required, as appropriate to the area of the appointment. For those schools, a model might be the following (adapted from the 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>):

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

For faculty in schools with continuing research/creative expectations for Continuing Contract faculty, a model might be the following:

“Continuing Contract Faculty lines are typically multiyear and differ from tenure lines at the School in the following ways: **[enumerate those differences]**.”

4. ADMINISTRATIVE DUTIES ----- REAPPOINTMENT OR PROMOTION

Include for consistency that for faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in reviews for reappointment or promotion.

5. ONE-YEAR APPOINTMENTS

The University Guidelines for Full-Time Continuing Contract Faculty, page 4, states:

“Continuing Contract Faculty appointments that provide for the possibility of extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts may be programmatically and academically desirable in a number of schools and academic programs within schools; school policies shall include a rationale for a Continuing Contract Faculty title(s) that carries a one-year appointment.

“Full-time contract faculty members are to be hired within the context of the school’s long-term strategic planning for faculty academic programming, which is approved by the Provost. This is true for one-year as well as multi-year contracts.”

Add language similar to the following:

“If a one-year contract is adopted, the Dean will provide a justification, similar to the hiring plan submitted annually to the Provost, based on programmatic and academic considerations, to the faculty through the formal governance structure established at the school (the Faculty Assembly, Faculty Senate, etc.).”

6. ONE-YEAR APPOINTMENTS

To prevent the establishment of a permanent group of continuing contract faculty on one-year appointments, add language allowing for a transition to an appointment of at least three years for faculty on one-year appointments who successfully complete a formal review, such as:

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

7. PROMOTION & SUBSEQUENT APPOINTMENTS

When promoted to a three-year contract (Assistant Clinical/Arts/Music Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be for at least three years.

When promoted to a five-year contract (Associate Clinical/Arts/Music Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be for at least five years.

When promoted to a XX-year contract (Full Clinical/Arts/Music Professors—the titles should be consistent titles in place for Continuing Contract faculty at the school), subsequent appointments shall be of the at least same length.

8. FULL CLINICAL/ARTS/MUSIC PROFESSOR (the titles should be consistent titles in place for Continuing Contract faculty at the school)

As an appointment of at least five years is the norm for Clinical Associate/Associate Arts/Associate Music Professor, provide an increase in term of appointment for Clinical/Arts/Music (Full) Professor; this is the case at certain schools (e.g., The Gallatin School).

9. PROFESSIONAL ACTIVITY—PROFESSIONAL DEVELOPMENT FUNDS AND RESEARCH LEAVE OR SABBATICAL

In schools where professional, scholarly and/or creative activity is either required or encouraged for reappointment and promotion, professional development funds and research leave or sabbatical should be provided to further support professional, scholarly, or creative work. A description of that eligibility, and the process governing it, should be added.

In schools where the Continuing Contract faculty's responsibilities are exclusively teaching, professional development funds that support that faculty member's continued growth in teaching their field should be provided.

10. CRITERIA FOR ASSESSMENT

Specify how "performance" will be assessed. For example, the following factors might be considered: course materials (e.g., syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc.

11. TERMINATION DUE TO CURRICULAR NEEDS

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 (paraphrased from the Tisch Arts Professor Policy, 2013, the Tisch Teach Policy, 2014, the Gallatin Contract Faculty Policy, 2015, and Liberal Studies, 2018),

"In such event, the review would focus on whether the faculty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity."

12. MEMBERSHIP OF COMMITTEE FOR REAPPOINTMENT AND COMMITTEE FOR PROMOTION

The majority of the committee should be made up of elected, not appointed, members; additionally, the majority of committee should be made up of Continuing Contract faculty members.

13. PROCESS FOR COMMITTEE FOR REAPPOINTMENT AND COMMITTEE FOR PROMOTION

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 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 (from the 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.recuitment.html>):

"The committee will prepare a written review for the 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)."

14. VOTING: COMMITTEE FOR REAPPOINTMENT AND COMMITTEE FOR PROMOTION

Specify that a majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot. In the case of a split opinion, the minority opinion should also be included in the report as an appendix.

15. REPORTS: COMMITTEE FOR REAPPOINTMENT OR COMMITTEE FOR PROMOTION

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.recuitment.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 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 minority opinion should be appended to the majority review."

16. REAPPOINTMENT COMMITTEE OR PROMOTION COMMITTEE

Add detailed information: “The 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.

“In the event that the Dean follows the recommendation of the committee to reappoint and/or for promotion, the summary letter to the faculty member with notification of intent to reappoint or for promotion should include the length of reappointment/appointment, and a signature block for the faculty member.”

17. RECORD OF REAPPOINTMENT OR PROMOTION PROCESS

In the case of schools where a division dean receives the committee report and passes that with a recommendation to reappoint or to promote to a school Dean, add language to ensure that the school Dean receives the full record and recommendation of the Review Committee, as well as the recommendation of the divisional dean, similar to the following:

“The divisional dean must forward the review packet to the school Dean along with the committee's recommendation and any comments from the faculty.”

18. PROCEDURES FOR DEANS – REAPPOINTMENT OR PROMOTION

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.recuitment.html>):

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

19. APPEAL OF A NEGATIVE DECISION REGARDING REAPPOINTMENT OR PROMOTION BY THE DEAN

Add language similar to the following:

“In all cases of an appeal to a negative decision related to reappointment or promotion by the Dean, the candidate will have access to the Review/Promotion Committee’s full report, including its recommendation and any comments from the faculty.”

20. PROCESS AND TIMETABLE

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.

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 Continuing Contract Faculty, issued June 12, 2014, revised December 15, 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....”

21. SCHOOL GRIEVANCE/APPEAL PROCESS – REAPPOINTMENT OR PROMOTION

The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and added to the Policy document before the school sends the policy to the Provost. The process should be identified and explicitly described in this document.

We recommend that the grievance/appeal process closely follow the principles elaborated in the University Guidelines that specify that all members of the committee, including the senior continuing contract faculty member, be elected: “Unless otherwise authorized in the school’s policy and approved by the Provost, each school shall either establish a new standing faculty committee for Continuing Contract Faculty grievances, which will include senior Continuing Contract Faculty and T/TTF elected by the voting members of the faculty; or shall expand its existing standing grievance committee for T/TTF to include (elected) senior Continuing Contract Faculty who shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty .”

Additionally, The New York University Guidelines for Full-Time Continuing Contract Faculty note 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 development of this grievance process should be undertaken with full participation by the Continuing Contract Faculty and submitted to the faculty for discussion and a vote by the faculty. The process of consideration must include the right to offer amendments, and the vote may occur during a regular faculty meeting or by electronic ballot, as the faculty governance body may determine.

PROCEDURES FOR GRIEVANCE

22. Add the following language (paraphrased from the Liberal Studies Reappointment and Promotion Policy, 2018)

“Having decided to consider the case, the grievance committee will then hear evidence and report to the Dean in writing on its findings of fact and its opinion on a fair disposition of the case. After considering the advice of the committee, the Dean will inform the grievant in writing of his or her decision, and include a summary of the committee’s report provided by the committee.”

23. Add the following language (paraphrased from the Liberal Studies Reappointment and Promotion Policy, February, 2018)

“If the committee’s report is accepted by both the grievant and the Dean, the matter shall be considered settled. However, if the Dean shall deny any findings of fact, or refuse to implement suggestions by the committee made as a part of the committee’s recommendations on the disposition of a case, the Dean is required to reply in writing giving in detail his or her reasons. This memorandum must be sent both to the grievant and to the committee.”

24. Add the following language (quoted from the Liberal Studies Reappointment and Promotion Policy, 2018)

“The majority of the members of the grievance committee must be contract faculty members.”

25. Add the following language (quoted from the Liberal Studies Reappointment and Promotion Policy, 2018)

“As a standing committee of the faculty, it must regularly report to the faculty on the number of cases heard or under study and the ultimate disposition of such cases, (for example, amicably settled, on appeal to the Provost or President, or committee report rejected by the Dean).”