



**Date:** October 21, 2014

**Memo to:** David W. McLaughlin, Provost  
Robert Berne, Executive Vice President for Health

**From:** Raghu Sundaram  
Chairperson, T-Faculty Senators Council  
A/Y 2014-2015

**Subject:** T-Faculty Senators Council Review: *NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis*

The T-FSC Personnel Policies & Tenure Modifications Committee reviewed the document: *NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis* and submits the attached recommendations.

**cc:** Charles Bertolami, Dean, College of Dentistry  
Carol Morrow, Senior Associate Provost/Chief of Staff to the Provost  
Peter Gonzalez, Assistant Provost for Academic Appointments

Allen Mincer, T-FSC Vice Chairperson  
Mitchell Kane, T-FSC Secretary  
Ted Magder, Immediate Past T-FSC Chair  
Warren Jelinek, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair  
Wen Ling, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair

**Recommendations of the Faculty Senators Council in regard to:  
NYU College of Dentistry NYU College of Nursing Policies and Procedures for  
Appointment, Promotion and Tenure of Full Time Faculty and Appointment and  
Promotion of Faculty Who Serve on a Full-Time Basis**

## **Background**

Charles Bertolami, Dean of the College of Dentistry, completed a process within the College of Dentistry, including the College of Nursing, to modestly amend its Appointments, Promotions, and Tenure (AP&T) document, with the aim of clarifying the current relationship between the College of Dentistry and the College of Nursing.

The process of review within the colleges included:

- distributing the amended document to the entire faculty and posting at <http://nyu.edu/dental/intranet/aptrackchanges.pdf> ;
- the Colleges' AP&T committee unanimously recommended the revisions as proposed;
- three open faculty meetings to discuss the changes were held on April 10, April 11 and April 16 at the College of Dentistry and on April 14 at the College of Nursing;
- the College of Dentistry Faculty Council held an online vote of all full-time faculty in the Colleges of Dentistry and Nursing regarding the proposed changes in which 52 votes were cast by tenure and tenure-track faculty and full-time non-tenure track faculty, all of whom approved the amendments.

## **Recommendations**

### Substantive issues:

Note:

The TFSC recommendation for the six occurrences listed in item 1 is given following the identification of all six occurrences.

#### 1. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

##### *Research-Scholar Track*

*Assistant Professor (page 6)*

*Second Paragraph*

*“Although the promotion and tenure process may be initiated at any time, a full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten year probationary period **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

*Associate Professor (page 6)*

*Second Paragraph continuing on page 7)*

*“Although the promotion and tenure process may be initiated at any time, a full-time Associate Professor in either of the colleges who is not granted tenure at the expiration of five years if initially appointed as an Associate Professor, or ten years in the combined ranks of Assistant and Associate Professor, **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

*Professor (page 7)*

*Fourth Paragraph*

*“Although the tenure process may be initiated at any time, a full-- - time Professor in either college who is not granted tenure at the expiration of three years’ service if initially appointed as Professor **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

*Clinical-Scholar Track*

*Assistant Professor (page 8)*

*Second Full Paragraph*

*“A full-time Assistant Professor in the College of Dentistry or the College of Nursing who is not promoted and granted tenure at the expiration of the ten-year probationary period **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

*Associate Professor (page 8)*

*Second Full Paragraph*

*“A full-time Associate Professor in either of the colleges’ who is not granted tenure at the expiration of five years, if initially appointed as an Associate Professor or ten years in the combined ranks of Assistant and Associate Professor, **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

*Professor (begins on page 8)*

*First Full Paragraph on page 9*

*“A full-time Professor in the College who is not granted tenure at the expiration of three years’ service if initially appointed as Professor **must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment.**”*

Recommendation:

Consider deleting all instances of **“must be removed from the tenure track and, except in exceptional circumstances, will be ineligible for any future full-time appointment,”** and replacing it with the provision of Bylaw 86 (b) **“... will be ineligible for further full-time appointment in the University”**, as Bylaw 86 (b) does not include the phrase: **“must be removed from the tenure track and except in exceptional**

*circumstances, will be ineligible for any future full-time appointment”* and Bylaw 86 (b) does not allow for “exceptional circumstances”.

2. The following requirement for notification of intention not to reappoint appears in the *NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS* (which does not apply to either the College of Dentistry or the College of Nursing):

*Schools may have different administrative calendars; however, all schools shall provide adequate notice for individuals to pursue alternative employment in the event of a negative decision [to reappoint]. Normally, a contract faculty member must be notified of the intention not to be reappointed no later than March 1st of the final year of the contract, if the appointment is to be terminated on August 31st. Normally, a contract faculty member whose period of appointment is due to terminate on a date other than August 31st must be notified of the intention not to be reappointed no later than 180 days prior to the termination date;*

- *Grounds for stopping the contract clock for reasonable cause (e.g., medical, personal, or maternity leave, or by contractual stipulation or negotiation); and*
- *The grounds for grievance and appeal as laid out in this document (below, Section V.).*

Likewise, a time limit for notification not to reappoint Non-Tenured Faculty Members on the Tenure-Track is specified in the Faculty Handbook:

*Title II: Appointment and Notification of Appointment*

*XI. Notification of Non-Tenured Faculty Members on the Tenure-Track*

2. *Notice of intention not to reappoint a full-time assistant professor, associate professor, or professor shall be sent to the individual affected according to the following schedule:*

*a) Not later than March 1 of the first year of academic service, if the appointment is to be terminated on August 31.*

*b) Not later than December 15 of the second year of academic service, if the appointment is to be terminated on August 31.*

*c) In all other cases, not later than August 31, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.*

Recommendation:

As Title II; XI; 2 provides time frames for notification of intention not to reappoint Non-Tenured Faculty Members on the Tenure Track, adherence to Title II; XI; 2 will ensure timely notification of intention not to reappoint Non-Tenured Faculty on the Tenure Track in the Colleges of Dentistry and Nursing.

As *NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY APPOINTMENTS* provides timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure Track so as to allow sufficient time for such Faculty to seek employment elsewhere, it is recommended that the *NYU College of Dentistry NYU College of Nursing Policies and Procedures for Appointment, Promotion and Tenure of Full Time Faculty and Appointment and Promotion of Faculty Who Serve on a Full-Time Basis* include similar timeframes for notification of intention not to reappoint Non-Tenured Faculty Members not on the Tenure-Track in the Colleges of Dentistry and Nursing.

Minor editorial issues:

1. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

A. *Tenure Track, Full-Time, Faculty Titles (page 5)*

*Third Sentence:*

*“Since the College of Nursing is not organized by departments, ...”*

Recommendation:

Consider replacing “Since” with “As”, as “since” refers in its first definition to time

2. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

B. *Faculty Titles for Non-tenure track Faculty who serve on a full-time basis*

B-2 *Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor*

*Clinical and Clinical Educator Tracks*

*Clinical Assistant Professor*

*First paragraph (page 10)*

*Second sentence*

*“Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.”*

Recommendation:

It appears that this sentence should read:

**“Clinical** Assistant Professors are expected to show promise of continuing development with clear evidence of future potential to significantly advance their field.

3. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

B. *Faculty Titles for Non-tenure track Faculty who serve on a full-time basis*

B-2 *Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor*

*Clinical and Clinical Educator Tracks*

*Clinical Associate Professor*

*First paragraph (page 10)*

*“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”*

Recommendation:

It appears that this sentence should read:

*“The rank of Clinical Associate Professor may be granted to those members of the faculty who have served as **Clinical** Assistant Professors at NYU or elsewhere, who demonstrate excellence in their clinical discipline and teaching activities ...”*

An alternate interpretation absent the word “**Clinical**” is that this Section of the document encompasses a change of track from a Tenure Track to a Non Tenure-Track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

4. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

*B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis*

*B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor*

*Clinical and Clinical Educator Tracks*

*Clinical Professor*

*First paragraph (page 10)*

*“The rank of Clinical Professor may be granted to those members of the faculty who have served as Associate Professors of Clinical or its equivalent at NYU or other institutions and ...”*

Recommendation:

The meaning of “Associate Professors of Clinical” is not clear -- “Clinical” is an adjective, a noun is required

Consider rephrasing, e.g.:

*“The rank of Clinical Professor may be granted to those members of the faculty who have served in a position that includes in its title “Associate Professor of Clinical” or its equivalent at NYU or other institutions and ...”*

5. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

*B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis*

*B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor*

*Clinical and Clinical Educator Tracks*

*Clinical Professor*

*Second full paragraph (page 11)*

*“Appointment as Professor carries with it the possibility, but no presumption, of annual reappointment.”*

Recommendation:

It appears that this sentence should read:

*“Appointment as **Clinical** Professor carries with it the possibility, but no presumption, of annual reappointment.”*

An alternate interpretation absent the word “**Clinical**” is that this Section of the document encompasses a change of track. Consider clarifying if this is the intent. If it is the intent, then it becomes a substantial issue that the TFSC wishes to consider further.

6. *Section V. SPECIFIC CRITERIA FOR VARIOUS TRACKS*

*B. Faculty Titles for Non-tenure track Faculty who serve on a full-time basis*

*B-2 Clinical Track, Clinical Educator Track and Research Track Title, above the rank of Instructor*

*Research Track*

*Research Assistant Professor*

*First paragraph*

*Second sentence (page 12)*

*“Assistant Professors are expected to show promise of continuing, ...”*

Recommendation:

It appears that this sentence should read:

*“**Research** Assistant Professors are expected to show promise of continuing, ...”*

7. *Section VI. POLICIES OF ADMINISTRATION*

*C. Charges to and Composition of the Appointment, Promotion and Tenure Committees*

*C1. Charge to the AP&T Committees*

*Third paragraph (page 15)*

*“All votes by the college’s Committee, by the Nursing AP&T Committee, and by the full-time tenure and tenure track faculty of the College on these matters must be by closed ballot.”*

The meaning of “college’s Committee” is unclear.

Recommendation:

Consider, for clarity, rephrasing to specify that all votes of the College of Dentistry AP&T Committee, the College of Nursing AP&T Committee, the combined Committee comprised of the College of Dentistry AP&T Committee and the College of Nursing AP&T Committee, and the full-time tenure and tenure track faculty of the Colleges of Dentistry and Nursing must be by a closed ballot.

8. Section VI. POLICIES OF ADMINISTRATION

C. Charges to and Composition of the Appointment, Promotion and Tenure Committees

C2. Membership

First paragraph (page 15)

*“The Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing will appoint seven tenured faculty, including the Committee’s Chair, for three year terms.”*

It is unclear to which committee the Dean of the College of Dentistry, in consultation with the Dean of the College of Nursing, will appoint members.

It seems logical that the Dean of the College of Dentistry would appoint members of the Dentistry AP&T Committee. If this is not the meaning, then the meaning is obscure to the naïve reader, and further clarification is required.

Recommendation:

Consider, for clarity, rephrasing to specify to which committee the Dean of the College of Dentistry will appoint members.

For clarity, consider adding an explicit definition of the composition of the “combined college’s AP&T Committee in C1, e.g. “The combined college’s AP&T Committee will be comprised of the seven members of the College of Dentistry AP&T Committee and the five members of the College of Nursing AP&T Committee“, or whatever is the correct composition of the “combined college’s AP&T Committee”.

It is difficult to understand how many AP&T committees are extant at the College of Dentistry. Throughout the document six different word phrases are used to describe the College of Dentistry AP&T Committee(s): Colleges’ combined Appointment, Promotion and Tenure (AP&T) Committee, AP&T Committee, colleges’ AP&T committee, standing AP&T committee, College’s AP&T Committee, combined colleges’ AP&T Committee. Consider, for clarity, using one word phrase throughout.

In the last paragraph of C1, the correct terminology is “*colleges’*” if the intent is to refer to a committee that represents both Colleges.