

# NYUFSC

## Faculty Senators Council

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### MEMORANDUM

**DATE:** February 21, 2014

**TO:** David W. McLaughlin, Provost

**FROM:** Raghu Sundaram  
Chairperson, Faculty Senators Council  
A/Y 2013-2014

**RE:** Faculty Senators Council Review and Recommendations: University Guidelines for Full-Time Contract Faculty Appointments

At the February 20, 2014 meeting of the Faculty Senators Council, the attached recommendations were approved.

**CC:** Awam Amkpa, FSC Vice Chairperson  
Charlton McIlwain, FSC Secretary and FSC Personnel Policies & Tenure Modifications Committee Co-Chair  
Ted Magder, Immediate Past FSC Chair  
Warren Jelinek, FSC Personnel Policies & Tenure Modifications Committee Co-Chair  
Carol Morrow, Senior Associate Provost/Chief of Staff to the Provost  
Jules Coleman, Senior Vice Provost for Academic Planning

**Recommendations of the Faculty Senators Council in regard to:  
NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME CONTRACT FACULTY  
APPOINTMENTS**

**Background**

In November 2012 the Provost constituted an Ad Hoc Faculty Advisory Committee on University Guidelines for Full-Time Contract Faculty (FTCF) Appointments and charged the committee “to establish University guidelines that will set forth core principles and procedures for hiring, review, and renewal of non-tenure track faculty, much as the University Promotion and Tenure Guidelines do with respect to tenure and promotion.”

The Committee was co-chaired by Jules Coleman, Senior Vice-Provost for Academic Planning, and Carol Morrow, Associate Provost for Academic Operations Planning and was comprised of FTCF who were nominated by the Deans of Schools (and Portal Campuses) and representatives of the Faculty Senators Council, the Office of General Counsel and the Office of Academic Appointments.

The differences among schools with respect to the proportions, responsibilities and privileges of Full-Time Contract Faculty required that the Committee formulate guidelines that would apply broadly and could be realized by schools with different histories and facing different challenges within distinctive contexts.

The Committee sought to develop guidelines that secured and protected the legitimate interests of full-time contract faculty “while granting the schools the flexibility necessary to deliver and improve their academic programs and thus to meet their educational responsibilities.”

Because the circumstances of full-time contract faculty at the health professional schools (Medicine, Dentistry and Nursing) often differ substantially from the experiences of contract faculty at the majority of NYU schools, the health professional schools were explicitly exempted from strict compliance with the guidelines.

**Recommendations**

Substantive issues

*1. Section III. TITLES AND TERMS OF EMPLOYMENT*

*Transfer between Contract and Tenured or Tenure-track Appointments:*

Second sentence, “In rare cases, and then only with provostial approval, a school may choose to convert a non-tenure-track position into a tenure-track position for which the incumbent is eligible to apply within the search process.

Recommendation:

Consider stating explicitly that conversion of a non-tenure-track position into a tenure-track position will not foreshorten an existing contract duration, as could occur, for

example, if the conversion occurred before expiration of an existing contract and the contractee was not selected for the tenured or tenure-track appointment.

2. *Section IV. HIRING, REAPPOINTMENT, AND PERFORMANCE ASSESSMENT*

*Reappointment and Promotion*

*a. Eligibility and Criteria for Reappointment and Promotion*

*First paragraph:*

Recommendation:

Consider adding after the first sentence, "Schools are encouraged to provide regular written feedback to faculty on multi-year contracts regarding their performance."

3. *Section IV. HIRING, REAPPOINTMENT, AND PERFORMANCE ASSESSMENT*

*Reappointment and Promotion*

*a. Eligibility and Criteria for Reappointment and Promotion*

*First paragraph, second sentence:*

Recommendation:

Consider removing "Normally" and making this sentence congruent with:

*Section III. TITLES AND TERMS OF EMPLOYMENT*

*Written Contracts*

*Second paragraph, Second bullet:*

"Such contracts shall include the following terms negotiated between the faculty member and the appropriate administrator with the authority to do so, and approved by the dean: ...

- an indication whether the faculty member is eligible to be considered for reappointment upon conclusion of the current contract;"

and with

the January 7, 2014 memo from Carol Morrow and Jules Coleman Re: Decanal Reflections and Questions About October 30, 2013 University Guidelines for Full Time Contract Faculty Appointments – Answer to first question – "... It is also expected that each contract will address whether there is a possibility of reappointment...."

Make it mandatory that each contract will specify whether there is a possibility of reappointment. In the event that it is not known whether reappointment is a possibility at the time the contract is initiated, the contract should clearly state so.

4. *Section IV. HIRING, REAPPOINTMENT, AND PERFORMANCE ASSESSMENT*

*Reappointment and Promotion*

*a. Eligibility and Criteria for Reappointment and Promotion*

*Second paragraph, first sentence:*

Recommendation:

Consider adding "and establish clear processes" after "standards" to read: "Each school shall set exacting standards and establish clear processes for reappointment and promotion ..."

5. *Section V. GRIEVANCES RELATED TO REAPPOINTMENT AND PROMOTION OF FULL-TIME CONTRACT FACULTY*

*c. Who Can Grieve*

*Second sentence:*

Recommendation:

Consider clarifying the definition of “negative decision”– does it mean only non-reappointment or promotion or could it’s meaning include the terms of reappointment or promotion? For example, would a reappointment for a fewer number of years than a previous appointment qualify as a legitimate grievance (assuming such grievance is based on allegations that “1. the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2. the decisions violated the academic freedom of the faculty member in question”)?

Minor editorial issues

1. *Section I. INTRODUCTION:* replace “represent” with “are” to read “Full-time contract faculty are a distinct and ...”

2. *Section II. FORMULATION OF SCHOOL POLICIES* (and elsewhere throughout)

When referring to school policy/policies, use “policy” or “policies” and the appropriate pronoun consistently in context throughout. “Policies” is the most appropriate as the guidelines refer to multiple policies (i.e., appointment, review, and reappointment).

*Footnote 3:* strike “Of course” and begin sentence “All policies must be consistent ...”

3. *Section III TITLES AND TERMS OF EMPLOYMENT.*

*Transfer between Contract and Tenured or Tenure-track Appointments:*

second sentence: change “On the other hand, which is colloquial to “However”

4. *Section IV. HIRING, REAPPOINTMENT, AND PERFORMANCE ASSESSMENT:* add “PROMOTION” to read “HIRING, REAPPOINTMENT, PROMOTION, AND PERFORMANCE ASSESSMENT”

5. *Section IV. HIRING, REAPPOINTMENT, PROMOTION, AND PERFORMANCE ASSESSMENT*  
*Hiring Plan and Process*

*a. Duration of Contracts:* second paragraph, first sentence, change second “are” to “is” to read, “which is approved by the Provost.”

6. *Section V. GRIEVANCES RELATED TO REAPPOINTMENT AND PROMOTION OF FULL-TIME CONTRACT FACULTY*

*d. The School Grievance Process:*

3<sup>rd</sup> paragraph: change “convened” to “convoked” to make parallel with previous usage.