



Date: May 23, 2019

Memorandum to: Katherine Fleming, Provost

From: Wen Ling
Chairperson, T-Faculty Senators Council
A/Y 2018-2019

Subject: T-Faculty Senators Council Review: NYU Abu Dhabi Guidelines for Full-Time Continuing Contract Faculty Appointments

The T-Faculty Senators Council submits the attached recommendations regarding the NYU Abu Dhabi Guidelines for Full-Time Continuing Contract Faculty Appointments. These recommendations were approved by the Council at the May 9, 2019 meeting.

cc: Fabio Piano, Provost, NYU Abu Dhabi
Martin Klimke, Vice Provost for Academic Policies and Governance, NYU Abu Dhabi
Zvi Ben-Dor Benite, Associate Vice Chancellor for Global Network Faculty
Carol Morrow, Vice Provost
Peter Gonzalez, Associate Provost, Faculty Appointments

Nicholas Economides, T-FSC Vice Chairperson
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Phyllis Frankl, T-FSC Personnel Policies and Tenure Modifications Committee Co-Chair
Robert Lapiner, T-FSC Personnel Policies and Tenure Modifications Committee Co-Chair

Mary Killilea, C-FSC Chairperson

On behalf of the T-FSC, we are herewith forwarding the evaluations by our Personnel Policies and Tenure Modifications (PPTM) Committee of the proposed policies submitted by NYU Abu Dhabi for Continuing Contract Faculty and by the College of Global Public Health for Tenured and Tenure-track Faculty. The comments/questions/ recommendations for consideration are incorporated into the body of the documents. These were submitted for review and approval to the full T-FSC, and approved at our last meeting of the year.

Although we regret the length of time spent in the review process, we hope that our observations will prove of value to the respective schools.

(Please note that the PPTM committee also conferred with our counterparts in the C-FSC with respect to the Abu Dhabi proposals; in many areas, our comments align fully. Yet there were others where, as representatives of T-Faculty, though we may not have been in disagreement, we felt it was not in our purview to render a criticism or a recommendation.)

It is our strong belief that the consultations with our faculty councils represent a necessary obligation of shared governance. Because we recognize the foundational importance of these reviews, we strive to approach the review process with keen attention to and respect for the diversity of our schools and the governing framework of the Faculty Handbook. From an "editing" perspective, we are also particularly attentive to the need for clarity, internal consistency, and the avoidance of ambiguity which could lead to arbitrary applications of policies or simply conflicting interpretations of intent.

From our experience over the last few years, we would like to address some general issues that have emerged in our fulfillment of our obligations.

We honor the fact that there is no "template" that imposes strict adherence to one non-negotiable model at NYU. That would not be consistent with NYU's prized culture of academic excellence expressed through the diversity of academic missions embodied within our schools.

This said, the efforts of the standing committee over time, with different members and different chairs, are challenged by several factors. One is of course the inherent discontinuity of membership and resultant institutional memory. So in each academic year there is both a learning curve and a search for precedents from what has been reviewed in the past by our predecessors. These are necessary, however much they contribute to our efforts being less expeditious than we would like.

But there are also other factors that derive from the autonomy of the schools, and a lack of clarity with respect to the extent that individual schools may have benefitted from consideration of the efforts of other schools—whose policies have already been approved. Further we are not aware of the guidance provided by the Provost's Office prior to the elaboration of the proposed policies--and whether the concerns we occasionally raise are consistent with that guidance.

With these considerations in mind, we respectfully offer some modest suggestions that might greatly facilitate the efforts of the schools—and the responsible execution of the review process by the T-FSC: namely to provide the schools with examples of specific best practices, or at the least, Q & A guidelines that lead to greater consistency among like academic programs. Ideally, these could take the form of model policies for tenure-promotion and for continuing contract

faculty appointments and reappointments, distributed in a form that allows easy change-tracking. These models could distinguish clearly between a) those aspects of the policy that are governed by NYU as a whole, and therefore cannot be modified, and b) those that are under the jurisdiction of individual schools. For policies of type (a), details could be provided via links to other relevant documents, enabling individual school policies to be more succinct and making it much easier to maintain consistency should university-wide policies change in the future. For policies of type (b), one or two representative school policies could be listed, along with links to any relevant general policy constraints; individual schools could specify how they are satisfying those general constraints if they choose to justify their needs to deviate from the norms provided.

These are some case examples that our committee co-chairs have observed over the past several years: What happens should a tenure-track faculty not be accorded tenure, or the program in which an accomplished contract faculty member has been teaching admirably for years experiences dramatic enrollment decline which results in an academic reorganization that leads to non-renewal? In these hypotheticals, some schools affirm that once “terminated,” the candidate cannot be considered for any other position—academic or administrative—within the school. Others are silent on the issue. In view of the number of extraordinarily effective members of the university community made up administrators who had begun their NYU careers as tenure-track or tenured faculty, one could argue that closing the door altogether for further employment is short-sighted. And it’s also conceivable that a promising young tenure-track faculty member proves to be an outstanding teacher and departmental/school citizen, but falls short on expectations of research productivity. Should it be ruled out that that such an individual might become a contributing member of the clinical faculty, subject of course to the strict expectations of appointment in that capacity?

In a similar vein, in some schools, references for a promotion review exclude “in perpetuity” the usual suspects like the candidate’s thesis advisor. But some also exclude the possibility of references from individuals who collaborated in joint research projects or publications with the candidate—at any point in the past. Other policies are more accommodating, and allow letters of support from previous collaborations—provided that there has been a significant interceding lapse of time (5-10 years). (This is consistent with NSF guidelines for who may be invited to conduct reviews of major research proposals.)

Our concerns in flagging such issues is not just about reducing the likelihood of unnecessary or predictable editorial comments on future policy reviews from us. That would be nice! At the heart of our concern is the potential risks for the university, should wide disparities in practice from school to school appear arbitrary—and result in contentious grievances, not easily or favorably resolved for any party.

**NYU ABU DHABI's Proposed "*Policies and Procedures for Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty*"
Incorporating T-FSC Recommendations *ad seriatim***

GENERAL COMMENTS from T-FSC'S Personnel Policies and Tenure Modifications (PPTM) Committee:

The PPTM committee finds the NYUAD proposed policies to be in many ways exemplary—well-written, clearly explained, respectful, and demonstrating consistency with the expectations of the Faculty Handbook, the "University Guidelines for Full-Time Continuing Contract Faculty Appointment," and supplementary instructions from the Office of the Provost. Though we offer a significant number of recommendations below, they are chiefly to add information/clarification that could help resolve ambiguities in the language that might otherwise, compromise what appear to be otherwise well-thought out procedures. None of our recommendations, if accepted, should be difficult to interpolate.

The PPTM Committee consulted with our C-TFC counterparts, who shared their own recommendations with us. While we are in strong agreement with the intent and spirit of a clear majority of their recommendations—which incorporated a few of our own preliminary remarks recommendations--and we recognize the legitimate concerns that animate all of theirs, we nonetheless felt it more prudent to submit our evaluation of the proposed policies separately. The Provost's Office and our NYUAD colleagues will note the many areas where our positions converge.

"Policies and Procedures for Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty"

BACKGROUND

In the fall semester of the academic year 2018/19, the NYUAD Faculty Council Steering Committee in collaboration with the NYUAD Contract Faculty Senators initiated a revision process of the existing NYUAD Guidelines for Full-Time Continuing Contract Faculty (CF) Appointments. A vote by the NYUAD Faculty Council on December 9, 2018 on the revised version of the guidelines among our faculty via the electronic Helios Voting system produced the following result: "Should the current version of the 2018 Revised Contract Faculty Guidelines be adopted?" The results were: Yes 107, No 6, and Abstain 31. (The official NYUAD faculty count as of November 2018 is 107 Continuing Contract Faculty, plus 119 Tenured/Tenure Track and 41 Other Faculty, adding up to a total of 267. The total faculty voter turnout is thus 53.93%). After consultations between NYU Vice Provost Carol Morrow and Martin Klimke (NYUAD Vice Provost for Academic Policies & Governance), another vote was held via the

electronic Helios Voting system at the beginning of this spring semester (January 27, 5pm-February 10, 5pm) to provide you with detailed information about how this policy was endorsed by the Tenured/Tenure track faculty and Continuing Contract faculty. The results were Yes 116; No 6; Abstain 19. On March 7, 2019, the Dean Fabio Piano submitted the document to NYU Provost, Katherine Fleming.

At NYU, our strong tradition is for schools to develop policies that are “consistent with school culture and history.” Within that tradition, the NYU Faculty Handbook (hereafter Handbook) provides that school policies will be reviewed by the Provost to determine “whether the substance of the policy: (i) is consistent with general University policy; (ii) is compatible with the University’s commitment to excellence in teaching, research, scholarship, or artistic achievement and service within a community of respectful and respected academic professionals; and (iii) has no adverse implications for the University.” As part of the process of finalizing the Abu Dhabi policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called “11292018-NYUAD_CF Guidelines”, adopting the same perspective (per letter of March 7, 2010 from Katherine E. Fleming to the C-FSC and T-FSC Chairs).

The following document will enumerate various questions, comments and recommendations to the submitted policy. The recommendations are made within the body of the document for ease of review and discussion.

GENERAL RECOMMENDATIONS ABOUT THE DOCUMENT AS A WHOLE:

T-FSC GENERAL RECOMMENDATION #1. *We recommend an introductory paragraph that acknowledges that the NYUAD policies are in full conformity with the NYU Faculty Handbook and the University Guidelines for Full-Time Continuing Contract Faculty Appointments, Grievance Procedures, and Disciplinary Regulations, affirming full respect for the responsibilities, rights, and protections that pertain to Continuing Contract Faculty.*

Because there are a few places in the proposed policies where there might otherwise be some ambiguity about intent or practice—notably with respect to the use of the words “typically” or “normally” (when no explanations of exceptions are provided), such an affirmation should obviate the need to reiterate consistency with the governing university-wide frameworks.

T-FSC GENERAL RECOMMENDATION #2. *In several places in this document, the reference to the composition of committees does not specify the expectation that committee membership must include those elected by the faculty, nor that it’s necessary to respect the expectation of peer-review by guaranteeing representation by the continuing contract faculty.*

*We recommend that in every instance, the document should affirm these expectations, namely that faculty will vote to **elect** members to serve on appointment-, review-, and promotion-committees, and that continuing contract faculty shall always be well-represented.*

T-FSC GENERAL RECOMMENDATION #3. *We understand that the NYUAD [Shared] Governance Guidelines and the NYU AD Grievance Committee Charter are under development.*

Since an established grievance procedure is vitally important, especially for Continuing Contract faculty, it is a critical component of the policy document under consideration. Consequently the guidelines and the charter under development should be reviewed in parallel by the C-FSC and T-FSC, consistent with the provostial approval process..

Once approved, this revised policy document should describe their functioning in adequate detail where appropriate, and incorporate access to the approved Governance Guidelines and the Grievance Committee Charter either in appendices or hyperlinked references.

NEW YORK UNIVERSITY ABU DHABI Guidelines for Full-Time Continuing Contract Faculty (CCF) Appointments

INTRODUCTION

Full-Time Continuing Contract Faculty (referred to as Continuing Contract Faculty) represent a distinct and vital part of the university academic community and contribute significantly to the university's academic and service missions. Policies applicable to this group of faculty members must reflect the contributions that they make to the university's commitment to academic excellence and service (including administrative responsibilities), while also embodying the university's right to require exceptional teaching, scholarship and creative/artistic activities (where applicable), and service of all full-time faculty.

The NYU Abu Dhabi Full-Time Continuing Contract Faculty Guidelines (the Guidelines) set forth the principles and procedures for appointments, reappointments, and promotions at NYU Abu Dhabi. The purpose of these Guidelines is to map out the review principles and processes for Continuing Contract Faculty at NYUAD. They are designed to support standards of academic excellence in the processes of appointments, reappointments, and promotions and aim to provide a comprehensive and fair review of the candidates.

These guidelines shall apply to all appointments, reappointments, and promotions henceforth. Upon reappointment review for existing contracts, these guidelines shall apply with respect to, for example, review procedures, notification, consistency in case of reappointments with regard to length of contract,

rank and title, etc. These guidelines shall apply immediately to all new appointments.

These Guidelines are being implemented at NYU Abu Dhabi (NYUAD) to supplement NYU faculty policies applicable to Full-Time Continuing Contract Faculty as outlined in the NYU Faculty Handbook.¹ If any part of these Guidelines is inconsistent with NYU policies, the NYU policies then in effect will control.

Scope

These Guidelines apply to all NYUAD Continuing Contract Faculty. The titles currently held by Continuing Contract Faculty at NYUAD are the following:

- Arts Professor (Associate Arts Professor, Assistant Arts Professor)
- Professor of Practice (Associate Professor of Practice, Assistant Professor of Practice)
- Senior Language Lecturer (Language Lecturer)
- Senior Lecturer (Lecturer, Associate Lecturer, Assistant Lecturer)
- Teaching Professor (Associate Teaching Professor, Assistant Teaching Professor)
- Research Professor (Research Associate Professor, Research Assistant Professor)

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<https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty.html>

- Global Professor
- Professor (Associate Professor, Assistant Professor)

An ongoing review is determining the appropriateness and usage of these titles in conjunction with an assessment of faculty appointment policies at NYUAD as the institution has evolved.

Rights and Responsibilities

T-FSC Specific Recommendation #1. *This policy document is not explicit about how the expectations for tenured and non-tenured faculty differ. Especially in light of the diversity of titles held by Full-time Continuing Contract Faculty, we suggest that this section should be expanded to enumerate briefly what those expectations are as they pertain to each of the above categories. (Or if that information is provided in other NYUAD documents, it would be prudent to insert a hyperlink or other cross-referencing.) This recommendation is germane as well for clarifying the section on “Criteria for Review” below, that enumerates the diversity of expectations--but in general terms, not as they pertain to the titles listed above.*

The responsibilities of Continuing Contract Faculty at NYUAD include, among others: teaching assignments, student advisement, program and committee responsibilities, scholarship and creative activities (where applicable), and avoidance of conflicts of interest.

The rights and privileges of NYUAD Continuing Contract Faculty are governed by the NYU Faculty Handbook and the NYUAD Faculty Governance Guidelines. They include, among others, academic freedom, leaves of absence, sabbaticals (when eligible), as well as serving as Principal Investigator on internal research grants funded by NYUAD (when eligible).²

T-FSC Specific Recommendation #2. *If NYUAD provides professional development support to FTCC faculty related to requirements for reappointment and promotion in keeping with expectations for their scholarly and/or creative activity—as well as pedagogical or curricular innovation—a reference to eligibility criteria and procedures should be included in the preceding paragraph.*

Participation in NYUAD Governance

Other than eligibility for tenure, and except for participation in tenure decisions or those otherwise set aside by University Bylaws as falling within the exclusive domain of tenured and tenure track faculty, Continuing Contract Faculty enjoy the same rights and responsibilities as tenured and tenure-track faculty members in the governance of NYUAD and in the academic divisions in which they teach. Voting rights at NYUAD are extended to Continuing Contract Faculty in accordance with the guiding principles of the NYU Faculty Handbook and the NYUAD Faculty Council. In accordance with University Bylaws, Section 82(c), *Faculty Membership, College and School Governance*, Continuing Contract Faculty may hold their own faculty meetings and may grant rights of attendance and voting privileges to other categories of faculty of NYUAD.

Future Amendments

As noted above, NYUAD is finalizing its procedures and processes for faculty nomenclature. Any amendment to these guidelines must be in writing and must be approved by the Provost of NYUAD, following consultation with the NYUAD Faculty Council, and the Provost of NYU. As with all NYUAD policies, these guidelines, or any provision hereof, are subject to change and the policies in effect at the time of an action will apply to that action.

1. REVIEW PRINCIPLES

These guidelines regarding Continuing Contract Faculty shall apply to all appointments, reappointments and promotions, subject to the terms of the employment contract between the faculty member and NYUAD, and the laws of the United Arab Emirates (UAE).

Authorization

All faculty lines and appointments require prior authorization from the NYUAD Provost. All initial appointments, reappointments, and promotions of faculty shall be approved by the NYUAD Provost

² All NYUAD standing, full-time faculty currently have PI-status for internal research grant opportunities offered by NYUAD.

and are normally initiated by the relevant NYUAD Divisional Dean following consultation with the relevant faculty.

Criteria for Review

All contracts must include a clear statement of the criteria for each scheduled review for reappointment and/or promotion.

Guiding criteria for the formal review may include, without limitation:

- 1) commitment to excellence in teaching, as evidenced by, for example, syllabi and other course materials, course/program development and innovation, instructor development, student advising, capstone

supervision, classroom observations, reports from program heads, self-presentation, samples of student works (scholarly or creative/artistic), evidence of learning beyond the classroom, student evaluations, etc.;

- 2) (when applicable) scholarly and/or artistic/creative activity, including, but not limited to, for example, research, publications, creative productions, exhibitions, and performances;
- 3) student advising and mentoring
- 4) service including, but not limited to, service to the University community and within and to one's profession; and
- 5) additional academic roles and administrative responsibilities that contribute to NYUAD and the University's educational, research, and service mission.

The expectations for achievement in teaching (based on contractually assigned teaching load/course equivalencies), service, and (if applicable) scholarly and/or artistic/creative activity, in order to achieve reappointment or promotion must be set out clearly in each individual contract.

In cases where professional, scholarly and/or artistic/creative activity are required or encouraged for reappointment and promotion, relevant funding to support this activity will be made available. In addition, information will be shared and publicly announced about respective internal grant/funding opportunities (on a competitive basis and with clear designations of eligibility) to support this activity.

The career pathway for Continuing Contract Faculty must be specified in the initial contract (or any subsequent reappointment after these guidelines have come into effect). Faculty may choose whether to be evaluated for promotion or reappointment at the same rank. Candidates who apply for promotion and are unsuccessful will still be eligible for reappointment at the same rank. The relative criteria for promotion or reappointment are to be specified in the original letter of appointment.

[See T-FSC Specific Recommendation #1, above.]

T-FSC Specific Recommendation #3. *It is salutary that the "relative criteria for promotion or reappointment" will be made known to faculty members in their original appointment letters; it would also be highly desirable to communicate those criteria—or the range of those criteria, since they presumably differ according to title and role-- in the policy document itself.*

Probationary Period and Review

T-FSC Specific Recommendation #4. *We strongly suggest that the section below, entitled "Terms of Appointment," might precede this section. This change would avoid raising (an unwarranted) question about the conditions that would justify only a one-year appointment. Alternatively, a parenthetical reference to the later section, e.g., "Contract duration is explained in the section on 'Terms of Appointment' below, might obviate misapprehensions about contract length for the reader.*

Continuing Contract Faculty are typically appointed to multi-year contracts. In accordance with UAE law, all initial appointments is subject to a probationary period of six months. As is the case for all NYUAD employees, Continuing Contract Faculty employment is subject to the individual faculty member obtaining and maintaining all approvals, clearances, and documentation as required by UAE law.

The relevant NYUAD Divisional Dean will conduct an initial review of the candidate's performance within the first six months of the first year of any contract. In the case of a one-year contract, a successful initial review will make the candidate eligible for a renewal of not less than one year³. In the case of initial contracts of two or more years, a successful probationary review will lead to the continuation of the full contract.

In the event of a decision to terminate the appointment following a negative initial review, the faculty member must be notified in writing of the probationary review decision in a timely manner, and no later than six months after the beginning of the first year of the contract.

Guiding criteria for review within the first six months of the first year of appointment may include, without limitation, commitment to excellence in teaching, as evidenced by, for example, syllabi and other course materials, course/program development and innovation, instructor development, student advising, classroom observations, reports from program heads, self-presentation, samples of student works (scholarly and/or creative/artistic), and evidence of learning beyond the classroom, student evaluations, etc.; and/or (when applicable) scholarly and artistic/creative activity, including, but not limited to, for example, research, publications, creative productions, exhibitions, and performances; student advising; consistent service including, but not limited to, service to the University community and within and to one's profession; and additional academic roles and administrative responsibilities that contribute to NYUAD and the University's educational, research, and service mission. When appropriate, professional activities and the quality of service contributions to the division and to the university may be considered.

Renewal of Contracts

Continuing Contract Faculty shall be subject to formal review. Faculty on multi-year appointments shall be reviewed in the penultimate year of appointment. Faculty on a series of one and/or two-year contracts shall be reviewed in the first semester of the third year of continuous appointment.

A faculty member's eligibility to be considered for reappointment does not create a presumption in favor of reappointment, even if the faculty member has met or exceeded the expectations set out in the contract. Any review for reappointment and promotion shall consider major curricular and structural changes (e.g. termination of a program) and/or improvements in academic programs, even in those cases in which a candidate satisfies the appropriate standards of achievement for reappointment or promotion. Major curricular or structural changes do not, however, automatically warrant a denial of reappointment. In the case of such changes, the review considers whether the faculty member is able to teach in the revised curriculum or new academic structure and, if so, in what capacity.

If it is established (based on the aforementioned stipulations) by the beginning of the penultimate year of the contract that a position is to be eliminated at the end of the contract term, there is no review and reappointment process; the faculty member shall be so notified in writing by the end of the first month of the penultimate year. However, the faculty member may request a performance review for career development to be conducted within a time framework specified

Terms of Appointment

Continuing Contract Faculty are typically appointed for a period of three to five years:

- Rank of Assistant Professor/Lecturer: 3 years.
- Rank of Associate Professor/Lecturer: 4 years.
- Rank of Full Professor/Lecturer/Senior Lecturer: 5 years.

Reappointment after the completion of a successful review process must be at the same rank (except in

³ Nothing precludes candidates for renewal from voluntarily requesting contracts of less than one year.

cases of promotion) with consistency in title and will typically be at least for the same duration as the previous contract length.

In some cases, Continuing Contract Faculty appointments can be made for a period of one or two years at the faculty member’s request or to address a specific academic need or a major programmatic change. Typically, faculty members on continuous one-year appointments are expected to move to multi-year appointments after the completion of two consecutive, successful review processes.

In case of a negative review, the final year of the contract will become the terminal year of appointment.

On an exceptional basis, an additional one-year extension may be offered upon prior authorization by the NYU Provost; a successful formal review by the end of the then penultimate year of the contract may result in a multi-year reappointment.

Notification

For Continuing Contract Faculty on a contract of three or more years (both on an initial or subsequent three or more years contract), the review process for reappointment will take place in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the academic year of the penultimate year of the contract (i.e., August 31, in most cases).

Continuing Contract Faculty on a one or two-year contract will be notified of the reappointment decision by no later than 180 days prior to the expiration date of the appointment (i.e., March 1, in most cases).

<u>Contract Term</u>	<u>Docket Materials Due</u>	<u>Timing of Review Process</u>	<u>Notification</u>
Probationary period and review for all initial contracts	N/A	Within first six month of employment	180 days after the start date of the appointment (by March 1, in most cases)
Initial or Subsequent 1 or 2-Year Contract	N/A		180 days prior to expiration date of the appointment (by March 1, in most cases)
Consecutive 1 or 2-Year appointments	Typically by October 1	First semester of the third year of continuous appointment	180 days prior to expiration date of the appointment (by March 1, in most cases)

Multi-Year Contracts of 3+ Years	Typically by December 1	Final semester of the penultimate year of the contract.	No later than the end of the academic year of the penultimate year of the contract (typically by August 31)
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In connection with formal reviews for reappointment and promotion, NYUAD will make available to all faculty in print and/or on the faculty portal:

- i. Statement of the academic criteria in the areas of teaching, program and/or curriculum and course development, research (where appropriate), the creative and performing arts (where appropriate), and program and school service that will guide the committee’s evaluation.
- ii. Statement of the criteria of assessment in effect at the time.

T-FSC Specific recommendation #5.

We recommend clarifying the ambiguity of the phrase, “at the time.” This could be a factor in a grievance. Is the intent “at the time of *appointment*” or “at the time of *the review*”?

- iii. Calendar for reviews and communication to faculty members that accords fair and timely notice of a review and of its outcome in writing, as well as adequate notice to faculty to pursue alternative employment in the event of a negative decision.

In addition to reviews at the time of potential reappointment, Continuing Contract Faculty on a contract greater than one year must submit an annual activity report to the relevant NYUAD Dean. In addition, NYUAD may carry out formal performance assessments (not more frequently than annually) in the course of multi-year appointments that are at least three years.

T-FSC Specific recommendation #6.

The last sentence in the preceding paragraph is hard to decipher. Perhaps an example could be provided of the exceptional circumstances that would merit supplementary reviews outside the anticipated rhythm.

2. FORMAL REVIEW PROCESS FOR REAPPOINTMENT

The review process for reappointment commences when a candidate for reappointment submits his or her docket for review to the relevant NYUAD Dean in accordance with the timeline above.

Preparation of the Docket Materials

Each division/program or area may determine, with approval from the Provost and relevant Dean, the exact makeup of the reappointment and promotion docket, as appropriate to the specific area or discipline. Normally, dockets should include:

- a. A summary of most salient accomplishments in the statutory areas of review, including teaching philosophy, strategies, and goals; scholarship and creative/artistic achievements; administrative responsibilities; and service to NYUAD. (This summary should normally not exceed 2–3 pages in length and in no case shall exceed 5 single spaced pages.) This summary should be accompanied by a copy of the criteria for review as specified in the

- original letter of employment.
- b. A current, up-to-date CV. The CV may be updated as the process continues to reflect changes in academic achievement and accomplishment).
- c. Materials that demonstrate teaching effectiveness (e.g., faculty course evaluations, peer observations of teaching, formal assessments of teaching effectiveness, syllabi, lecture notes, assignments or URL, and other relevant documents).
- d. Demonstration of service to the NYUAD Community (e.g. curriculum development, faculty governance, student mentoring, etc.).
- e. Where applicable, a professional portfolio (showing publications, creative productions, performances and professional development) demonstrating significant contributions to the field during the appointment period.
- f. Other evidence appropriate to the candidate's discipline.
- g. Candidates are encouraged to include any additional evidence that he or she believes bears on the case for reappointment or promotion, not otherwise identified above.

Faculty Review Committee

- a. The NYUAD Divisional Dean, in consultation with the Program Head or the research center director (when applicable), appoints and charges the Faculty Review Committee.

T-FSC Specific recommendation #7. In keeping with our General Recommendation #2, it would be especially important to affirm that review committee members both for reappointment and promotion must include elected (not just appointed) members and significant representation of FTCC faculty.

For the composition of the committee, please see section 4.

- b. Candidates for reappointment or promotion will be notified by the end of the first month of the academic year in the penultimate year of an appointment that they are eligible for review.
- c. Candidates will submit materials for review to the NYUAD Divisional Dean prior to the end of the first semester of the penultimate year of the contract (typically by December 1).
- d. The NYUAD Divisional Dean forwards the materials for review to the committee, which assesses it based on the review criteria specified in the candidate's contract and formulates a recommendation for or against reappointment.
- e. The committee submits its recommendation to the NYUAD Divisional Dean along with a written explanation of its assessment. A majority vote of the committee is required for recommendation for reappointment. The committee prepares the written recommendation on reappointment, including any minority opinions. One or more members of the committee may prepare the written recommendation but each member of the committee will review and sign it before it is submitted to the relevant NYUAD Dean.

NYUAD Dean

- a. The relevant NYUAD Divisional Dean reviews the recommendation of the Faculty Review Committee and submits his/her recommendation to the NYUAD Provost together with all materials of the docket. The NYUAD Provost may, in turn, seek additional information, and/or internal or external reviews.
- b. In formulating his/her decision, the NYUAD Divisional Dean may seek additional

information (including, but not necessarily limited to, internal or external letters of review of the candidate's professional contributions, e.g. student evaluations of teaching, internal letters of review of the candidate's teaching, and service contributions). In the event that external letters are solicited, these evaluators should not be scholars or artists with whom the candidate has been closely associated, such as a thesis advisor, co-author, joint producer, or other close associates.

T-FSC Specific recommendation #8. For consideration: Is this possibly too categorical an exclusion? While it may be customary to exclude a thesis adviser, if the candidate worked on a collaborative research or creative project or co-authored important journal articles or books at some distinct period in the past (5-10 years, for example) with certain individuals, wouldn't their perspectives on the candidate (and his/her continued productivity in their fields) be of some merit?

- c. If the NYUAD Divisional Dean's decision is contrary to the recommendation of the Faculty Review Committee on reappointment, title, or length of contract, the Dean will provide the committee with reasons for not accepting its recommendation. In case a Dean's decision not to reappoint the candidate is contrary to the committee's recommendation, the committee members will have ten business days in which to provide additional feedback to the Dean before the Dean's decision is finalized and submitted to the NYUAD Provost.
- d. The Provost conveys his or her decision to the NYUAD Dean. The NYUAD Divisional Dean then conveys the decision to the candidate in writing.
- e. The outcome of the review process will typically be discussed by the NYUAD Dean with the candidates in person.
- f. In the case of a negative decision, candidates may avail themselves of the grievance procedures outlined in section 6 ("Grievance Procedures").
- g. Continuing Contract Faculty on a one or two-year contract will be notified of the decision no later than 180 days prior to the expiration date of the appointment and in the case of reappointment, receive a contract within the next 4 months. Continuing Contract Faculty on a contract of three or more years will be notified no later than the end of the academic year of the penultimate year of the contract (i.e. August 31, in most cases) together with a contract for reappointment or a written notification of non-reappointment.
- h. In the event of a decision to reappoint, the Continuing Contract Faculty shall complete the remainder of his/her term and shall be reappointed, normally, for another contract of equal or greater length.
- i. In the event of a decision not to reappoint, the Continuing Contract Faculty member shall continue to be under contract until the end of the contract expiry date.

3. FORMAL REVIEW PROCESS FOR PROMOTION

The process for promotion is initiated by the candidate who confirms his/her eligibility with the relevant NYUAD Divisional Dean. The criteria for promotion are set out in each Continuing Contract Faculty's contract, but typically to merit promotion, a candidate must demonstrate a record of outstanding teaching and service and (if applicable) distinguished professional accomplishments. Years served in previous institutions may be taken into consideration.

T-FSC Specific recommendation #9. In keeping with our Specific recommendation #1 above, eligibility requirements for promotion should be provided, with respect to each FTCC faculty title in use.

- a. Assistant / Associate Lecturers may be considered for promotion to the next rank after one term of appointment (of at least 3 years) at rank. Lecturers may be considered for promotion to the next rank after two terms of appointment (of at least 4 years) at rank. For professorial ranks, faculty at the assistant level may be considered for promotion after two terms of appointment (of at least 3 years) in rank. Faculty at the associate level may be considered for promotion after one term of appointment (of at least 4 years) in rank.
- b. Any faculty member may submit a request for early promotion to the relevant NYUAD Dean. A promotion ahead of schedule will be granted only under extraordinary circumstances. It is not normally in the best interest of a candidate or of the institution to propose candidates for promotion ahead of schedule.
- c. The review process for promotion is the same as the process for reappointment as outlined in section 2 of this document. The review committee will provide an assessment for contract renewal purposes, and in the same letter (if applicable) recommend whether the candidate meets the expectations for promotion.
- d. Any negative decision on an application for promotion shall not affect eligibility for the continuation or renewal of an existing contract.
- e. Continuing Contract Faculty appointments are normally not convertible to tenure track appointments. In rare cases, and then only with provostial approval, a non-tenure track position may be converted into a tenure track one for which the incumbent is eligible to apply within the search process. In these rare cases, 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. However, a Continuing Contract Faculty faculty member must not be prohibited from applying for and being considered for any tenure track opening that arises within his or her school or elsewhere in the University; nor may his or her doing so be treated with prejudice.

4. COMPOSITION OF FACULTY REVIEW COMMITTEE

- a. The NYUAD Divisional Dean will appoint a Faculty Review Committee of three or five faculty members. At least one member of the committee will normally be a senior member of the Continuing Contract Faculty. Whenever possible, the majority of committee members shall be Continuing Contract Faculty. The committee may also include members of the tenured faculty. Finally, the committee may include an external member (i.e. an scholar/artist from outside of NYU) who is an expert in the field.
- b. In the usual case, the committee for reappointment or promotion shall be composed entirely of faculty of greater rank (whether tenured, tenure-track, or Continuing Contract Faculty) than the candidate, except in the case of a Full Professor, where all committee members need to have the rank of Full Professor. Typically, the majority of the committee shall be from the same academic discipline as the candidate. Typically, at least one member of the committee must be an NYUAD faculty member. Other members may be drawn from faculty at NYU portal

campuses in New York and Shanghai.

- c. In the review of any particular case, committee members shall recuse themselves in the case of an apparent or actual conflict of interest.
- d. The committee may seek additional information (including, but not necessarily limited to, internal or external letters of review of the candidate's professional contributions). In the event that external letters are solicited, these evaluators should not be scholars or artists with whom the candidate has been closely associated, such as a thesis advisor, co-author, joint producer, or other close associates.

5. **GROUNDS FOR STOPPING THE CONTRACT CLOCK**

The contract clock may be stopped for reasonable cause, e.g. medical, personal, as primary caregiver for child, spouse, parent, (same sex) domestic partner, or by contractual stipulation or negotiation.

T-FSC Specific recommendation #10. *For consideration: Why the parenthetical restriction on the term "domestic partner"? Should the sex of the domestic partner matter? On the supposition that this is simply intended to acknowledge a recognized, binding relationship, suggest dropping the parenthetical restriction altogether.*

6. **GRIEVANCE PROCEDURE**

Who Can Grieve

With respect to grievances related to reappointment and promotion: A Continuing Contract Faculty member who is not eligible for reappointment cannot grieve a decision not to reappoint. Individuals on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed do have a right to grieve the process in the event it leads to a negative decision with respect to reappointment or promotion or the terms of reappointment or promotion; and they are entitled to grieve in the event they are denied reappointment without review for reasons other than elimination of the position.

Faculty on continuous one-year or two-year appointments are similarly entitled to grieve the process in the event the third-year review process leads to a negative decision; and they are entitled to grieve the process in the event they are not reappointed after a third year review when a review had been explicitly promised in connection with the possibility of reappointment subject to it, but was not undertaken for reasons other than elimination of the position.

Continuing Contract Faculty who are subject to a review process to determine whether they are to be promoted have a right to grieve the process in the event it leads to a negative decision.

With respect to grievances related to other matters: All Continuing Contract Faculty, including faculty on one-year appointments, are eligible to grieve.

Grievances Related to Reappointment and Promotion

Grievances related to reappointment and promotion of Continuing Contract Faculty are restricted to allegations of procedural defects and irregularities. Outcomes of the review process or decisions reached through the review process can be grieved only to the extent that they involve violation of university-protected rights of faculty members.

Thus, a grievance must allege that 1) the procedures used to reach the decision were improper, or that the case received inadequate consideration; or 2) that the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant. A decision not to undertake the reappointment process where a position is to be eliminated at the end of the contract term and there is no similar position open is not the basis for a grievance.

Informal Settlement

In the case of grievances related to reappointment and promotion, attempts shall be made to settle the dispute in a timely manner (typically within 15 working days after the request for an informal settlement) by informal discussions between the grievant and the NYUAD Provost, possibly with the assistance of mediators.

T-FSC Specific recommendation #11. *We are concerned that there are no intermediate steps before a grievance rises to the attention of the NYUAD Provost. Strongly recommend that if a faculty member concludes that a grievance cannot be settled informally at the level of the Dean (or below the Dean, depending on the organizational structure of the school), the faculty member should be able to appeal to the Dean to convoke the designated grievance committee within 15 working days of the faculty's written appeal.*

NYUAD Vice Chancellor and NYUAD Grievance Committee

In the event that the grievance is not settled informally at the level of the NYUAD Provost, the faculty member may appeal to the NYUAD Vice Chancellor to convene the NYUAD Grievance Committee, which is elected and appointed in accordance with the NYUAD Governance Guidelines and the NYUAD Grievance Committee charter.

The NYUAD Vice Chancellor must convene the NYUAD Grievance Committee within 15 business days of receipt of written notice of the faculty member's appeal. In the event that the NYUAD Vice Chancellor does not convene the NYUAD Grievance Committee within said time, the faculty member has the right to bring it to the attention of the Provost of NYU.

T-FSC Specific recommendation #12. *Consistent with #11 above, if an NYUAD school's organizational structure is organized into academic units headed by a Divisional Dean, the language in the grievance policy should anticipate the need in such cases for forwarding a complete review packet with faculty recommendations and comments to the Dean.*

The grievance committee will then hear evidence and report to the NYUAD Vice Chancellor in writing on its findings of fact and its opinion on a fair disposition of the case. The NYUAD Grievance Committee does not judge the professional merits of the case and only considers the appeal based on the grounds specified above. After deliberation, the NYUAD Grievance Committee advises the NYUAD Vice Chancellor of its recommendation.

The NYUAD Grievance Committee will provide its recommendation to the NYUAD Vice Chancellor within 30 business days of the convening of the committee.

T-FSC Specific recommendation #13. *Given the impact of prolonged uncertainty about one's professional future and the difficulty of convening committees because of extended breaks in the academic calendar, we strongly recommend that the Grievance Committee Chair be expected to provide status updates to the grievant, at least every two (2) months during the duration of the process.*

For grievances brought by a member of the Continuing Contract Faculty, the NYUAD Grievance Committee will be expanded to include at least two senior member of the Continuing Contract Faculty, if two senior members of the Continuing Contract Faculty are not already on the faculty-appointed Grievance Committee (bringing it to a total of seven member

The NYUAD Vice Chancellor reviews the NYUAD Grievance Committee's recommendation and all pertinent information, decides the case, and notifies the faculty member and the NYUAD Grievance Committee in writing of his/her decision, together with reasons therefore and information about the procedure for appeal, no later than 15 working days after receiving the recommendation of the NYUAD Grievance Committee.

T-FSC Specific recommendation #14. *We concur with the C-FSC Recommendation #33, to add language in the spirit of their suggestion, which follows: "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."*

As a standing committee of the faculty, the NYUAD Grievance Committee 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 or on appeal).

Provost of NYU

If the decision of the NYUAD Vice Chancellor is not satisfactory to the faculty member, he or she may, within 15 working days of receipt of the NYUAD Vice Chancellor's decision, appeal in writing to the Provost of NYU (or his/her designee) specifying all grounds for and materials in support of the appeal.

Appeals from the NYU Abu Dhabi Vice Chancellor's decision can be made only on the basis of the grounds specified above. Where such an appeal is made, the NYUAD Vice Chancellor will transmit to the Provost of NYU a report of the proceedings in the case at its earlier stages.

The Provost of NYU will decide the case, and notify the grievant and the NYUAD Vice Chancellor. If the advice of the latter is not followed, the reasons will be reported with the decision. The decision of the Provost of NYU is final and subject to no further review.

7. CONTACTS

Subject Contact

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