



Date: May 12, 2020

Memorandum to: Katherine Fleming, Provost

From: Nicholas Economides
Chairperson, T-Faculty Senators Council
A/Y 2019-2020

Subject: T-Faculty Senators Council Recommendations regarding the NYU School of Professional Studies Policies and Procedures for Reappointment and Promotion for Full-Time Continuing Contract Faculty

The T-Faculty Senators Council submits the attached recommendations, approved by the Council at the May 7, 2020 meeting.

cc: Susan Greenbaum, SPS Dean
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**Recommendations of the Tenure and Tenure-Track Faculty Senators Council regarding the
NYU School of Professional Studies
Policies and Procedures for Reappointment and Promotion for
Full-Time Continuing Contract Faculty**

Submitted May 8, 2020

The School of Professional Studies has experienced turmoil in its leadership over the past few years, and the T-FSC Committee on Personnel Policies and Tenure Modification (PPTM) has had windows into the situation in the form of successive draft policies for its contract faculty sent to it for review.

Two previous iterations were recalled—the first because the former dean had unilaterally modified a version that had been elaborated with the school’s faculty council, and submitted his version to the Provost’s office without having presented it to the school faculty for a vote. The second version was put forward prematurely during a transitional period before the newly appointed acting dean had any opportunity to engage substantively with the policies, and she prudently requested that it be withdrawn. (A preliminary review--conducted separately by the T-FSC PPTM committee and the counterpart committee at the C-FSC--found the document excessively legalistic, suggesting that it was a product of an internal culture riven by reciprocal distrust.)

SPS is dependent on contract faculty and adjuncts to a greater extent than any other school. And it has been a source of contention that its policies governing C-Faculty appointment, review, and promotion have been so long in coming, leaving anomalous “provisional” rules in place that have been experienced as prejudicial within its faculty community.

This background is provided because the policy document hereunder review projects an altogether different climate within the school. The cover letter from the SPS Dean accurately described the genuinely consultative process that produced the policies; and it is a measure of the institutional progress made that three-quarters of the eligible faculty voted on the policies, securing the support of nearly 90% of those who voted—and nearly two-thirds of all eligible C-faculty voters.

After very attentive review, the PPTM Committee members of the T-FSC found the new policies to be generally well-crafted, straightforward, comprehensive, and consistent with many C-faculty policy frameworks found across the university on the whole. We did however note a number of issues, which we hope can be addressed before the final policy is formulated and implemented.

A word about process: After the PPTM Committee had completed and made note of its deliberations, the members met jointly with our C-FSC counterparts to compare perspectives and determine whether observations and resultant recommendations could be reconciled. That meeting was very constructive.

While it would normally be PPTM practice, as representatives of the T-FSC, in reviewing policies governing Continuing Contract Faculty to *suggest* (rather than specify) alternative approaches when we discern the need for re-consideration, the committee felt able to support the more

directive recommendations formulated by the C-FSC because of their aspirational goals, albeit subject to their presentation for the consideration and approval by the T-FSC as a whole.

In accordance with the discussions and vote taken at the T-FSC's May 7, 2020 meeting, it is therefore to be noted that the edited document that follows—which incorporates all such observations and suggestions—is substantially the same as that being forwarded separately by the C-FSC, except in two instances. The only difference is that we exclude one recommendation made by the C-FSC to Section V.B. and another recommendation to VI.A, both of which concerned the nature of information available to candidates in the event of negative decisions involving either re-appointment or promotion.

In all other areas, the recommendations from the two Councils are aligned.

In conclusion, the T-FSC hopes that the policy document submitted for our review--along with the suggested clarifications and as many as possible of the joint recommendations that can be adopted--will, once implemented, substantially improve the conditions of the C-faculty at SPS. It is further to be hoped that having an approved faculty policies framework in place will help secure the truly constructive transformation in the relationship between that School's continuing contract faculty community and its administrative leadership--that appears already to be well underway.

Notes from The C-FSC Committee on Contracts & Policy Issues with which the T-FSC Committee on Personnel Policies & Tenure Modification Agrees:

1. The Grievance Process (provisionally approved by the Provost, 12/12/2018) was provided as a link. We have pasted this Grievance Process at the end of this document, so that we may present our recommendations. That being said, the committee recommends that the Grievance Process be returned to the faculty for discussion, possible amendment, and for a confidential vote.
2. We note that Dean Greenbaum writes that the “collective goal was to produce a document that supports the unique mission of SPS while also being in alignment with the NYU Faculty Handbook and the Continuing Contract Faculty policies in place at other NYU schools.” For this reason, we have indicated when our recommendations align with the Continuing Contract polices in place at other NYU schools.
3. The following document will enumerate various comments and recommendations to the submitted policy. The recommendations are made within the body of the document for ease of review and discussion.

Our committee respectfully asks that responses to our recommendations be made within the body of this document for ease of review.

Policy for the Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty at the School of Professional Studies

Minor Recommendation: Add date of approval of this policy.

Table of Contents

I. Preamble

II. Introduction

III. Rights and Responsibilities of SPS CCF

- A. Teaching
- B. Service and Administration
- C. Scholarly Work, Creative Production, and Professional Activity
- D. Annual Faculty Activity Report

IV. Appointment of SPS CCF

- A. Search and Hiring
- B. Terms of Appointment
- C. Ranks and Titles
- D. Voluntary Termination and Contract Stoppage
- E. Special Academic Leave for Full-time Faculty, Professional Development Funds and Summer Session Teaching

V. Reappointment of SPS CCF

- A. Process for Reappointment
- B. Materials for Reappointment
- C. Criteria for Reappointment
- D. Timeline for Reappointment

VI. Promotion of SPS CCF

- A. Process for Promotion
- B. Materials for Promotion
- C. Criteria for Promotion
- D. Timeline for Promotion

VII. Grievance Procedure

VIII. Amendments

I. Preamble

This Policy Document is being implemented by the School of Professional Studies (SPS) to supplement NYU policies applicable to Continuing Contract Faculty as set forth in the Faculty Handbook and in the University Guidelines for Full-Time Continuing Contract Faculty Appointments, Grievance Procedures, and Disciplinary Regulations. The governing expectation in all the policies that follow is that the faculty will be routinely consulted in keeping with the principles of shared governance and the policies and guidelines of The Faculty Handbook. If any part of this policy document is inconsistent with NYU policies, the NYU policies in effect will supersede. As with all NYU policies, this policy is subject to change. The policies in effect at the time of an action will apply to that action. This policy will be reviewed every five years or sooner as necessary.

II. Introduction

The NYU School of Professional Studies is committed to an education that prepares students to apply and advance knowledge, creativity and innovation in real-world settings. SPS offers a professionally oriented curriculum that inspires the next generation of leaders to innovate, communicate, and succeed in evolving global environments and economies.

Singularly dedicated to this pedagogical mission, CCF members are essential to its fulfillment and vital to SPS. CCF support SPS through their commitment to teaching and pedagogy, their dedication to academic service and administration, and their scholarly, professional and/or creative achievements. Composed of scholars in traditional academic fields, experts in the teaching of languages, practitioners in the arts, and professionals in business, management, and other areas, the CCF form the entire body of the full-time faculty at SPS, with the exception of a small number of tenured and visiting faculty.

III. Rights and Responsibilities of SPS CCF

CCF at all ranks are protected by academic freedom. CCF may serve as Principal Investigators for sponsored research with the support of the leader of their academic unit and the SPS Dean.¹

All CCF are expected to provide service to the academic unit, the School, and/or the University in order to strengthen shared governance and advance SPS's mission. CCF are expected to meet their professional and institutional commitments at the University on a regular basis throughout the academic year. These commitments include time spent on teaching, research, student advising, and various kinds of University or outside professional service on committees and in administrative or advisory roles.² They should be active participants as committee members, student advisers, or in whatever other capacity they can render the best service in the affairs of their academic unit, SPS and the University.³

A. Teaching

CCF in the Center for Applied Liberal Arts, the Center for Global Affairs, the Division of Applied Undergraduate Studies, the Jonathan M. Tisch Center of Hospitality, the Preston Robert Tisch Institute for Global Sport, the Division of Programs in Business, the Center for Publishing, and the Schack Institute of Real Estate primarily teach in degree programs and hold the titles of clinical assistant professor, clinical associate professor, and clinical professor. It is common for these faculty to have multi-year contracts on a nine-month year and to teach three credit-bearing courses each fall and spring semester.⁴

CCF in the English Language Institute (ELI) primarily teach in non-credit programs and normally have multi-year contracts on an eleven-month year. ELI faculty typically teach 90 contact hours in the summer semester and 180 contact hours in each of the spring and fall semesters. ELI faculty commonly hold the titles of lecturer or senior lecturer. ELI faculty hired prior to 2018 may hold clinical faculty titles if converted to clinical status before September 1, 2020.

No additional compensation by reason of teaching overload may be paid to any CCF member during the period of a regular teaching assignment, except in emergency circumstances duly approved in advance by the Office of the Provost.⁵ With the approval of the academic unit leader and SPS Dean,

¹ Academic unit leader in this document refers to the highest-ranking member of the administration in each division and in the Center for Publishing. For revised policy on CCF serving as PIs, see: <https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/continuing-contract-faculty-as-principal-investigators-of-sponso.html>

² The parameters of research include self-directed research expected of engaged disciplinary experts as well as PI status for approved research projects consistent with the Provost's policy.

³ <https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/other-faculty-policies/responsibilities-of-the-faculty-member.html>

⁴ Faculty in programs offering three-credit courses will teach a total of 9 credits and faculty in programs offering four-credit courses will teach a total 12 credits.

CCF may teach executive education courses (non-credit and/or outside of SPS degree programs). The rate of compensation will be consistent with the terms authorized for executive education.

Teaching responsibilities may also include, but are not limited to:

- Developing, creating, and teaching new courses and developing new curricula
- Engaging in program review and revision, accreditation compliance, and assessment
- Advising and mentoring students
- Supervising independent studies and internships

Major Recommendation

The current language is unclear with respect to teaching overload and compensation: “No additional compensation by reason of teaching overload may be paid to any CCF member during the period of a regular teaching assignment, except in emergency circumstances duly approved in advance by the Office of the Provost.”

We strongly recommend replacing the above sentence with the following language:

“In exceptional circumstances authorized in advance by the Office of the Provost, additional compensation shall be paid to any CCF member for teaching overload while maintaining a regular teaching assignment.”

Major Recommendation

The bullets identified as teaching responsibilities are in fact service. Remove the items below and insert under “Service”:

- **Developing, creating, and teaching new courses and developing new curricula**
- **Engaging in program review and revision, accreditation compliance, and assessment**
- **Advising and mentoring students**

Major Recommendation

At certain times faculty may be required to instruct a new course for the first time, and faculty should be given time to sufficiently prepare.

We strongly suggest the following language:

⁵ <https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/other-faculty-policies/responsibilities-of-the-faculty-member.html>

“At certain times, faculty may be required to instruct a new course for the first time, and should normally be given at least a semester’s lead time to prepare, or when necessary, release time from other duties or additional compensation.”

Major Recommendation

The supervising of independent studies requires the faculty invest additional time in teaching over their three/three course load and should be recognized.

We strongly recommend the following language:

“Faculty supervision of independent studies and internships shall be recognized either at the time through stipend or when the number of supervisions at the time or over time is equivalent to a taught course through course release.”

With the approval of the academic unit leader and the SPS Dean, CCF taking on additional teaching responsibilities may qualify for a reduced course load and/or stipend. Academic Director responsibilities, for example, would qualify.

B. Service and Administration

Service and administration are key components of faculty engagement and all CCF are expected to contribute in these areas. For faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in both reappointment and promotion reviews. In providing service to SPS and/or the University, CCF may:

- Participate in administrative components of academic programs (admissions, committees, events)
- Serve on program, curricular, student affairs, or other SPS or University committees including task forces and working groups
- Participate in student recruitment, orientation, retention, and/or alumni activities
- Provide outreach to the community at large as a representative of SPS
- Contribute to policy-making, especially with regard to policies concerning to the mission of the School, program, and/or academic unit

With the approval of the academic unit leader and the SPS Dean, CCF participating in administrative duties on behalf of the program, academic unit, School, or University may qualify for a reduced course load and/or stipend. Academic Coordinator duties, for example, may qualify.

C. Scholarly Work, Creative Production, and Professional Activity

CCF expertise is crucial to teaching excellence in SPS and to the overall profile of its programs. SPS faculty are encouraged to be actively engaged in professional, scholarly, and/or creative work in their fields. Professional engagement includes a range of activities that may strengthen a faculty member’s professional profile, further fields of knowledge, enhance teaching excellence, and/or advance the mission of SPS.

Scholarly, Creative, and Professional activities may include, but are not limited to:

- Providing expert information about practice realities and new developments in the profession
- Producing scholarly and/or creative work in print, film, performance, or digital forms related to particular disciplines or fields of practice
- Contributing to policy-making locally, nationally, and/or globally in one’s field of expertise
- Acting as a bridge to practice and academic communities by attending conferences; participating in professional associations; giving lectures, readings, performances, or presentations; serving on advisory boards or councils; and otherwise informing and/or shaping debates in relevant fields and/or disciplines
- Success in applying for and receiving funding for authorized grant activity
- Engaging in public intellectual activities, such as service to professional, non-profit, or community-based organizations on a local, national, or international level

With the approval of the academic unit leader and the SPS Dean, CCF pursuing scholarly, creative and/or professional activities that serve the program, academic unit, School, or University may qualify for a reduced course load and/or stipend. CCF participating in externally funded research programs, for example, may qualify.

D. Annual Faculty Activity Report (FAR)

All faculty are required to submit an annual report of activities and accomplishments to the leader of the academic unit following the form and process approved by the SPS Dean. Faculty must receive written feedback from their academic unit leader and/or SPS Dean about the report including a statement of whether or not the faculty member has met performance expectations required for reappointment. This statement will identify required areas of improvement as needed.

Faculty Activity Report Timetable:

Submissions for FAR follow a calendar rather than academic year and should include student evaluations and other materials from the previous January, Spring, Summer, and Fall terms.

Written notification and distribution of the Faculty Activity Report (FAR) template to faculty	By November 1
Faculty submit completed FAR to their academic unit leaders	By February 14
Academic unit leader arranges one-on-one meetings and returns FAR with written comments that note whether expectations have been met or not	By March 31
Faculty return the signed Faculty Evaluation Form to their academic unit leader	By April 14
The academic unit leader submits all FARs and Faculty Evaluation Forms to OAF	By April 28

Note: Minor Recommendation

It is unclear as to what OAFa is referring to in the sentence, “The academic unit leader submits all FARs and Faculty Evaluation Forms to OAFa.”

Suggested language: “The academic unit leader submits all FARs and Faculty Evaluation Forms to Office of Academic and Faculty Affairs (OAFa)”

IV. Appointment of SPS CCF

A. Search and Hiring

The SPS Dean solicits authorization from the Provost for faculty searches as set forth in annual academic planning documents. The rank(s) of the faculty member(s) to be sought is proposed by the leader of the academic unit, ideally following input from a unit-wide faculty meeting, and approved by the SPS Dean. Unless granted an exemption in the manner set forth in the University’s Recruiting and Hiring Policy, the leader of the academic unit must conduct a search to fill every approved full-time faculty position, whether a newly created or vacant line. ⁶SPS hiring practices for CCF shall be transparent and fair and should include CCF in the hiring process. ⁷In CCF recruitment processes, the name and title of all members serving on any search committee will be shared electronically with all SPS full-time faculty at the start of every search.

The search for all CCF positions should be managed by posting open positions using NYU’s online hiring system. All searches must include outreach to diverse candidate pools and must be publicized for a minimum of six weeks on the SPS website and in at least one external academic or industry-specific professional publication or website.

For each search process, the leader of the academic unit forms and charges an *ad hoc* search committee, which should include at least three CCF of whom the majority (if possible) must be from the affected academic unit, plus one *ex-officio* CCF member from outside of the academic unit. Every effort must be made to ensure that the search committee is diverse and inclusive.⁸ Each search committee will establish the desired qualifications and selection criteria appropriate to the position for which the search is being conducted, and the search committee will draw up a shortlist of candidates who meet these requirements. Efforts must be made to ensure diversity of candidates under consideration. Shortlisted candidates will be interviewed, and other means of assessing qualifications may be used, as appropriate, including review of applicants’ publications and teaching performance and a call for references. Shortlisted candidates should also be required to deliver a presentation that is open to the entire CCF of the academic unit. At the conclusion of the search process, the committee shall present a list of preferred candidates to the leader of the academic unit, who then submits their recommendation to the SPS Dean for approval. Candidates who accept offers of appointment may, with their academic unit leader’s support, seek elevated rank through the SPS

⁶ <https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/recruiting-and-hiring-policy-and-procedures-for-full-time-facult.html>

⁷ The Faculty Handbook Faculty Policies Applicable to Full-Time Continuing Contract Faculty, Appointment, Reappointment, Promotion, and Performance Assessment is available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty/appointment--reappointment--promotion-and-performance-assessment.html>.

⁸ Academic units with enough CCF should use a rotation system for search committee membership.

Rank, Title, and Privilege (RTP) Committee process (See section V). The RTP Committee submits its recommendation to the SPS Dean for a final decision.

All contracts must include the following terms:

- Start and end dates of the appointment
- Academic responsibilities, including teaching load, benefits, and compensation
- Acknowledgement of release from part of the teaching load due to significant administrative responsibilities or due to receipt of grants
- Agreement to be bound by applicable University policies

Major Recommendation

We strongly recommend that contract should indicate whether appointment is subject to renewal.

Add the following bullet-point to the list above:

“Contracts should indicate whether appointment is subject to renewal.”

Major Recommendation

We strongly recommend that contracts or letters of reappointment indicate an explicit list of responsibilities.

Add the following bullet-point to the list above:

“Contracts will list explicit academic responsibilities and administrative responsibilities (if applicable).”

B. Terms of Appointments

Newly hired SPS CCF typically receive multiple-year contracts of two to three years. Initial appointments at the level of Language Lecturer, Senior Language Lecturer, and Assistant Professor (Clinical) are for two years; initial appointments for Associate Professor (Clinical) and Professor (Clinical) are for three years. These contract lengths allow SPS to recruit and retain high-caliber faculty while also supporting the School’s unique mission to provide innovative programs that not only recognize but also anticipate industry trends and emerging opportunities.

C. Ranks and Titles of Faculty

The definitions of ranks and titles below are intended as a framework for CCF appointments.

It is expected that CCF members are experienced and accomplished instructors, scholars, professionals, and/or artists in their disciplines or fields of practice, holding the highest degree appropriate to their field. Faculty at higher ranks are expected to demonstrate outstanding capabilities in their field and have nationally or internationally recognized achievements.

Visiting Appointments

Visiting appointments are given to individuals, including outstanding practitioners, who are teaching temporarily at SPS. These appointments are made by the SPS Dean and used primarily to address short-term programmatic needs. These appointments are usually for one single academic year but can be renewed for a second year, or, in rare circumstances, for a third year for a maximum of three academic years in total. Visiting appointments cannot be converted to regular CCF appointments, but visiting faculty may apply to any position in an open competitive search.⁹

Language Lecturer

Faculty appointed at this rank should hold a relevant advanced degree, demonstrate evidence of initiative in curricular development and language pedagogy, demonstrate an ability to engage in meaningful service or administrative work, and ideally have at least three years of language teaching experience and evidence of teaching excellence and effectiveness. Faculty at this rank should also demonstrate evidence of, or potential for, achievements in professional activities and research in their disciplines and/or areas of practice.

Senior Language Lecturer

Faculty promoted to the rank of Senior Language Lecturer should hold a relevant advanced degree and have at least six years of experience in and evidence of teaching excellence in higher education. Faculty at this rank shall have demonstrated strong contributions in curriculum revision or development, service and/or administrative work, and, where relevant, publications or other forms of scholarly, creative, and professional outputs in their disciplines and/or areas of practice.

Assistant Professor (Clinical)

Faculty appointed at the rank of Assistant Professor (Clinical) should hold an advanced degree (terminal in their field or discipline), have a significant industry or academic track record, and have at least three years of teaching experience and evidence of teaching excellence and effectiveness in higher education. Faculty at this rank should provide evidence of initiative in curricular development, demonstrate an ability or potential ability to engage in meaningful service or administrative work, and supply evidence of promise in scholarly or artistic work, and, where relevant, publications.

Associate Professor (Clinical)

Faculty appointed or promoted to the rank of Associate Professor (Clinical) should hold an advanced degree (terminal in their field or discipline), have a significant industry or academic track record, and should have at least six years of experience in and evidence of teaching excellence and effectiveness in higher education. Faculty at this rank shall have demonstrated strong contributions in curriculum revision or development, service and/or administration, and in their field of study or practice.

Professor (Clinical)

Faculty appointed or promoted to the rank of Professor (Clinical) should hold an advanced degree (terminal in their field or discipline), have a significant industry or academic track record, have at least six years of experience at the rank of Associate Professor (Clinical), and should provide evidence of teaching excellence and effectiveness in higher education. Faculty at this rank shall have demonstrated extraordinary contributions in curriculum revision or development, service and

⁹The hiring, reappointment and promotion policies and procedures covered in this document do not pertain to visiting faculty.

administration, in industry-relevant or artistic production, in academic and/or applied research, and in professional leadership. Clinical professors maintain national and international reputations in relevant areas.

D. Voluntary Termination and Contract Stoppage

As required by the NYU Faculty Handbook, there are grounds for stopping or pausing the contract clock. Reasonable causes can include medical; personal; role as primary caregiver for child, spouse, parent, same-sex domestic partner; or by contractual stipulation or negotiation.

CCF members in the middle of a contract of two or more years may opt out of their contract provided they complete the current academic semester.

E. Special Academic Leave for Full-time Faculty, Professional Development Funds and Summer Session Teaching

Faculty may apply for Special Academic Leave in accordance with SPS Special Academic Leave policies for CCF.¹⁰ The School encourages faculty professional development and provides a modest annual support fund as well as opportunities to compete for small grants for research and to support continued growth in teaching, instructional design and curriculum development, scholarly activity, leadership, administration, and organizational development.

Summer (and January term) teaching appointments for faculty on nine-month contracts are optional and are made, subject to curricular needs and the faculty member's desire to teach, for additional compensation provided that the faculty member has met their teaching load as agreed.¹¹

V. Reappointment of SPS CCF

Faculty peer reviews form an essential component of professional development and are intended to enable faculty to gain feedback, enhance their skills, and find new ways to contribute to the mission of the School. They also support the highest quality of teaching and performance. The process for review of full-time multi-year contracts shall include a peer review committee, which is advisory to the head of the academic unit in question and the SPS Dean.¹²

A. Terms for Reappointment

Term eligibility: Language Lecturers are eligible for reappointment contracts of two years. Senior Language Lecturers and Assistant Professors (Clinical) are eligible in their first reappointment for a contract of two years. After the completion of two two-year contracts, Senior Language Lecturers and Clinical Assistant Professors are eligible for reappointment contracts of three years. Associate Professors (Clinical) are eligible for reappointment contracts of three years. Professors (Clinical) are

¹⁰ The policy may be found here: <https://www.sps.nyu.edu/homepage/academics/office-of-academic-and-faculty-affairs/policies-and-documents/special-academic-leave.html>

¹¹ CCF on nine-month contracts who have not met their teaching load during the fall and/or spring semesters due to course cancellations will be given the option of teaching during the January and/or summer terms. CCF will only receive additional compensation for Summer or January teaching if they have met their regular semester teaching load.

¹² <https://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty/appointment--reappointment--promotion-and-performance-assessment.html>

eligible for reappointment contracts of five years. Shorter contracts may be used in situations where (a) there are questions or concerns about performance, (b) there is uncertainty about future needs and student demand for the program in which the clinical faculty member teaches, or (c) at the faculty member's request.

Major Recommendation

With respect to the contract length of Language Lecturers, “Language Lecturer are eligible for reappointment contracts of two years.” This is in contrast to other schools’ terms of appointment at that level. It is also unclear as to the length of subsequent contracts. Subsequent appointments should be of at least the same length as the previous contract.

We strongly recommend the following language:

“Language Lecturer, Senior Language Lecturers and Assistant Professors (Clinical) are eligible in their first reappointment for a contract of two years. After the completion of two two-year contracts, Language Lecturer, Senior Language Lecturers and Assistant Professors (Clinical) are eligible for reappointment contracts of three years, subsequent appointments shall be for at least three years.”

Major Recommendation

The length of contract for subsequent contracts is unclear. Moreover, the length of contract for Associate Professors (Clinical) is not equitable to what is offered by the other schools:

Liberal Studies – “Five-year appointments: Five-year contracts are awarded upon promotion to Clinical Associate Professor.”

Tisch School of the Arts – “Associate Arts Professor: Six Year Term.”

Gallatin School of Individualized Study – “Clinical Associate Professors: First appointments are for five years; after the first appointment, reappointments are for six years.”

Institute for the Study of the Ancient World – “Five-year appointments: Normally, five-year contracts are awarded only upon promotion to Clinical Associate Professor.”

NYU Abu Dhabi – “Rank of Associate Professor: 4 years.”

We strongly recommend the following language:

“Associate Professors (Clinical) are eligible for reappointment contracts of five years, subsequent appointments shall be of at least same length.”

Major Recommendation

The length of contract for subsequent contracts is unclear. Moreover, the length of contract for Professors (Clinical) is not equitable to what is offered by the other schools:

Liberal Studies – “Five-year appointments: Five-year contracts are awarded upon promotion to Clinical Associate Professor.”

Tisch School of the Arts – “Arts Professor: Six Year Term. Unlimited reappointments; eligible for sabbatical and Emeritus status.”

Gallatin School of Individualized Study – “Clinical Full Professors: Appointments are for six years.

We strongly recommend the following language:

“Professors (Clinical) are eligible for reappointment contracts of six years, subsequent appointments shall be of at least the same length.”

Major Recommendation

We strongly recommend the following language:

“Faculty members on continuous two---year appointments who successfully complete two two-year contracts will undergo a formal review and shall move to at least a three---year appointment. Subsequent appointments shall be of at least the same length.”

Regular committee reviews of all CCF on contracts of three or more years take place in the penultimate year of their contracts. Regular committee reviews of all CCF on contracts of two years take place in the second year of their contracts. All faculty are reviewed annually by their academic unit leader. CCF contracts can be renewed a limitless number of times.

B. Process for Reappointment

All reviews of CCF are conducted by academic unit-specific Reappointment Committees (RCs). It is the responsibility of each academic unit leader to ensure that a RC is formed, that membership is regularly reviewed, and that it meets the standards and follows the procedures set out below. Annually in September, the Office of Academic and Faculty Affairs (OFAA) must supply each academic unit leader and each academic unit-level RC with a list of faculty eligible to be considered for reappointment.

The academic unit-level Reappointment Committee must:

1. Contain an odd number of full-time faculty (ideally, and at a minimum, three), each serving for two years
2. Include at least one alternate member in the event one member must be recused.
3. Exclude lecturers and clinical assistant professors with fewer than four years of full-time teaching experience at SPS.
4. Exclude individual faculty members that are applying for reappointment or promotion during the two-year RC cycle in question

The Office of Academic and Faculty Affairs will work with academic unit leaders to hold an election and form a Reappointment Committee each year. Composition of committee and selection process must be on file with OAFA and updated annually. Members shall serve on the RC for two academic years and may not serve more than two consecutive terms.

Major Recommendation

It should be clear that the election process is managed by the faculty.

Add the following language:

“The process to elect members to the Reappointment Committee should be managed by a respective elected committee of the faculty.”

Where the academic unit is too small to generate a committee that meets requirements 1 through 4 above, academic units may identify a cognate academic unit with which to form a joint RC.

At least one member of the RC should be of equivalent or higher rank than any given candidate for reappointment. In cases where a clinical professor is reviewed for reappointment and there is no CCF of equivalent rank in the unit, the academic unit leader will make a request to OAFA to identify a clinical professor from another unit for the specific review. OAFA will maintain a list of all clinical professors and will randomly select an individual to serve on the RC. In such cases, a lower ranking member will not review this one case.¹³ The candidate in question must be informed of this in advance.

The RC in each academic unit chooses its own chair who serves as chair for two years and may not serve as chair more than two consecutive two-year terms.

A simple majority vote of the RC shall be required for a recommendation for reappointment or non-reappointment. The RC’s report should represent a collective judgment of the committee or, in the case of a divided opinion, the majority of the committee.

Major Recommendation

¹³ In the event there are two lower ranking members, they will alternate reviewing cases such as these.

Add at the end of the paragraph language highlighting that all votes shall be confidential,

“All votes shall be by secret ballot.”

This is in line with other parts of the University, e.g., Center for Urban Science and Progress, Gallatin, Liberal Studies, Stern, Shanghai, and the Law School.

The RC report includes the outcome of the vote and a brief statement of the basic arguments for or against reappointment. The report will be provided to the leader of the relevant academic unit, according to the timetable in **Section IV F**.

Major Recommendation

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.recruitment.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.”

This paragraph is in line with other parts of the University, e.g., Center for Urban Science and Progress, FAS Clinical Policies, FAS Language Lecturers, Gallatin, Institute for the Study of the Ancient World, Liberal Studies, Stern, Abu Dhabi, Shanghai, Law, and Tandon.

The RC is advisory to the leader of the academic unit. The academic unit leader must state in writing his, her, or their reasons for accepting or rejecting the RC’s recommendation to reappoint or not reappoint. The unit leader’s statement, along with the RC’s recommendation, must be submitted to the SPS Dean, who informs the candidate in writing of the Dean’s final decision, including a written rationale for the length of the new appointment. At their discretion, the SPS Dean may request additional information from the RC or academic unit leader. CCF on contracts of three or more years must be notified by August 31st or one year prior to the conclusion of the contract. However, all efforts will be made to notify faculty by May 31st, fifteen months prior to the conclusion of the contract. Faculty with two-year contracts must be notified by March 1st or 180 days prior to the conclusion of the contract. In the event of a decision for non-renewal, the SPS Dean will notify the faculty member in writing that the contract will be terminated at the conclusion of the contract.

Major Recommendation

Add detailed information that in line with other parts of the University, e.g., CUSP, FAS Clinical, FAS Lecturer, Liberal; Studies, and Stern:

“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.”

Major Recommendation

In the case of schools where a division dean or an academic unit leader receives the committee report and passes that with a recommendation to reappoint or to promote to a school Dean (as at Liberal Studies and Tandon), 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 or academic unit leader, (similar to Liberal Studies and to the following language from Liberal Studies and Tandon):

“The Chair or the academic unit leader will forward the report of the promotion committee and closed vote to the Dean along with his or her own recommendation. The recommendations of the review committee, the voting faculty and the Department Chair are all advisory to the Dean. The Dean will make a decision on the promotion case and notify the Department Chair.”

Major Recommendation

We strongly recommend the following language:

“The academic unit leader must forward the full record and recommendation of the Review Committee, as well as the recommendation of the academic unit leader to the school Dean along with the committee's recommendation and any comments from the faculty.”

Major Recommendation

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.recruitment.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.”

This is in line with other parts of the University, e.g., Center for Urban Science and Progress, Gallatin, and Abu Dhabi.

In the event a faculty member is not reappointed, the faculty member may pursue a grievance according to the Grievance Policy described in **Section VII**. Faculty members may not pursue a grievance for failure to meet the specific dates listed in the timeline in **Section E** as these dates are indicative. However, all parties (the candidate for reappointment, the RC, the academic unit leader, OAFAs and the SPS Dean) should ensure that no part of the process deviates significantly (more than ten business days) from the suggested dates.

C. Materials for Reappointment

The reappointment process consists of a thorough review of a portfolio of evidence of accomplishment in teaching, service, and professional activity submitted by the faculty member in question. This portfolio must include:

1. Current CV
2. Annual Faculty Activity Reports (with attachments, faculty evaluation summary, and any faculty response) for the current contract term and up to one year preceding the start of that term (see **Section IV. F.**)
3. Additional syllabi, sample assignments, student course evaluations, peer evaluations, observation reports, statement of teaching philosophy, etc. that are available but not included in recent faculty activity reports.
4. Personal statement

The portfolio may also include, if relevant, and at the discretion of the faculty member:

5. A professional file indicating publications, creative production, industry-relevant work, etc.
6. If applicable, indicators of accomplishment and contribution such as peer reviews of publications, citations and other ratings, recognition in conventional and social media, etc.

Due to variations in the nature of CCF contributions across the School, more specific evidence of excellence and achievement will differ by academic unit. Units are encouraged to develop their own written examples of activities relevant to the review process. These examples should be shared with

and maintained by the Oafa to ensure high and comparable standards are upheld throughout the School.

D. Criteria for Reappointment

The Reappointment Committee shall consider evidence of teaching excellence, performance in areas of SPS and University service, and a faculty member's professional activities in the context of teaching expertise and/or professional profile. In assessing these areas, the Reappointment Committee shall consider the candidate's overall contributions to the mission of SPS.

In assessing teaching, the committee shall consider a broad range of evidence and activities. These include, but are not limited to, statement of teaching philosophy; course and/or curriculum development in SPS and/or in other parts of the university; innovations in pedagogy; participation in teaching workshops and consultations within NYU or elsewhere; data from student evaluations; peer observations; evidence of student advising and mentoring; and evidence of faculty mentoring.

In assessing service and/or administration to the program or the University, the committee shall consider a range of activities. These include, but are not limited to, service on committees; participation in SPS student affairs such as advising student activities; planning and offering events or programs; participating in student recruitment, orientation, retention, or alumni activities; and providing outreach to the community at large as a representative of SPS. For faculty whose responsibilities are primarily administrative, greater weight will be given to accomplishments in this area.

The committee shall assess accomplishments in a candidate's field of practice and/or other relevant scholarly, creative and professional activities with a focus on the candidate's professional profile, enhancements to a particular field or industry, and contributions to the overall mission of SPS. In assessing scholarly, creative and professional accomplishments, the committee shall consider a range of materials, including but not limited to: published books; articles; conference/workshop events and presentations; and creative exhibits, projects, productions, and products in any format.

The committee's written review shall indicate the strengths and/or weaknesses of the faculty member under consideration in relation to SPS criteria.

Major Recommendation

For clarity, we suggest that following phrase "For those faculty whose responsibilities include scholarship, creative work, and related activities," be added to the first sentence of the previous paragraph, so that it reads, "For those faculty whose responsibilities include scholarship, creative work, and related activities, the committee shall assess accomplishments"

Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint may be impacted by curricular and structural changes and improvements in academic programs.¹³ When appropriate, the Procedures for Termination or Reorganization of Academic Programs as found in the Faculty Handbook should be followed as well as any school policies and by-laws. The review in such cases would focus, in addition to the assessment of quality and excellence described below, on whether the faculty member could teach in the revised curriculum and/or new academic structure. If non-reappointment takes place due to curricular or structural changes then that reason must be stated clearly in the written performance review of the faculty member. Efforts should be made to redeploy the faculty member in another area in which the faculty member has expertise.

E. Timeline for Reappointment

Review for reappointment occurs in the penultimate year of the contract for CCF on contracts of three or more years and shall be completed by the end of that penultimate year.

In the semester prior to the review, OAFA notifies the faculty member that they are scheduled for their committee review via letter with a copy going to the leader of the academic unit. In the event of a decision not to reappoint, the CCF member shall be notified of the intention not to reappoint no later than August 31st of the penultimate year (but preferably by May 1st) for those faculty on a contract of three or more years that commenced on September 1st. The faculty member may grieve according to the SPS CCF Grievance Policy referred to in **Section VII**. Any CCF member whose multi-year 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 twelve months prior to the termination date.

In the case of a faculty member on a one-year or two-year contract the faculty member must be notified of the intention not to reappoint at least 180 days before termination of the contract, but for those on two-year contracts preferably one year prior to termination of the contract. Review date may need to be adjusted according to appointment dates. (These timetables represent guidelines and faculty may not grieve a failure to meet a School deadline set forth here.)

The Reappointment Process Timetable:

The guideline timetable for review of a faculty member with a multi-year appointment of three or more years that terminates on August 31 is as follows:

OFAFA notifies faculty members who are scheduled for a penultimate year review	By November 1
Faculty submit their materials to the leader of the relevant academic unit and the Reappointment Committee	By February 1
The Reappointment Committee sends its written recommendation to the academic unit leader	By March 15
The academic unit leader submits recommendation to the SPS Dean.	By April 1

The SPS Dean provides written notification to the faculty member and the academic unit leader of the Dean’s final decision	By August 31 (preferred date May 31)
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The guideline timetable for review of a faculty member with an appointment of two years that terminates on August 31 is as follows:

OAFA notifies faculty who are scheduled for a review	By September 1 of the second year of the contract
Faculty submit their materials to the relevant academic unit leader and the relevant Reappointment Committee	By November 1
The Reappointment Committee sends its written recommendation to the academic unit leader	By December 15
The academic unit leader submits a written recommendation to the SPS Dean.	By January 25
The SPS Dean provides written notification to the faculty member and the academic unit leader of the Dean’s final decision.	By March 1

VI. Promotion of SPS CCF

Promotion recognizes achievements in teaching excellence, contributions in service and administration in SPS and/or the University, and accomplishments in professional activities within a candidate’s disciplinary areas and/or fields of practice. The SPS Rank, Title, and Privilege (RTP) Committee reviews all candidates seeking promotion and considers the overall impact of the candidate’s accomplishments and contributions in furthering the mission of SPS.

A. Process for Promotion

All proposed promotions of CCF are conducted by the RTP Committee. Candidates seeking promotion submit a complete portfolio to their academic unit leader as outlined in section V. C. The academic unit leader reviews the portfolio and writes a report detailing their assessment of the promotion request. The portfolio and the academic unit leader’s assessment are then shared with the School’s RTP Committee.

The committee’s written review should indicate the strengths and weaknesses of the faculty member under consideration in relation to School criteria, and will recommend that the candidate be promoted or not promoted. A majority vote will be required to generate a recommendation. A dissenting opinion can be appended to the written majority recommendation.

The RTP Committee will vote on each case by closed ballot. The committee’s decision to recommend promotion or not, as well as the report detailing the recommendation, will be forwarded to the leader of the academic unit and the SPS Dean. The SPS Dean will review all material and recommendations. At their discretion, the SPS Dean may request additional information from the RTP Committee and/or the academic unit leader. The SPS Dean will make a final decision and will communicate the decision to the faculty member with a copy to the academic unit leader.

Major Recommendation

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.recruitment.html>). This is in line with other parts of the University, e.g., Gallatin, Liberal Studies, Shanghai, and Tandon:

“The review may be written by one or more member of the RTP 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.”

Major Recommendation

We strongly recommend the addition of detailed information in line with other parts of the university, e.g., CUSP, FAS Clinical, FAS Lecturer, Liberal Studies, and Stern:

“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.”

Major Recommendation

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.”

Major Recommendation

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.recruitment.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.”

The schedule of deadlines for promotions provided in **Section VI. E.** should be followed so that the Dean’s decision reaches the faculty member by May 21st. Following this deadline, the faculty candidate may respond in writing.

B. Criteria for Promotion

While some variation between academic units is to be expected in demonstrating how faculty meet the criteria for promotion, any faculty member seeking to apply for promotion must satisfy the following basic criteria:

Promotion to Associate Professor (Clinical)

A clinical faculty member ordinarily should hold an advanced degree (terminal in their field or discipline), where applicable have a significant industry or academic track record, and should have spent at least six years at the rank of Assistant Professor (Clinical) to be eligible for promotion to Associate Professor (Clinical). Promotion requires evidence of excellence and effectiveness in teaching. Faculty seeking this rank should demonstrate significant contributions to curricular revision and development, service and administration, scholarly and/or artistic work, and/or professional industry-relevant fields. Any faculty member at the rank of Assistant Professor (Clinical) has the option to request review for promotion to Associate Professor (Clinical) earlier if the individual can demonstrate exceptional achievements.

Promotion to Professor (Clinical)

A clinical faculty member ordinarily should hold an advanced degree (terminal in their field or discipline), where applicable have a significant industry or academic track record, and should have spent at least six years at the rank of Associate Professor (Clinical) to be eligible for promotion to the rank of Professor (Clinical). Promotion requires evidence of exceptional performance in teaching,

curricular revision and development, service and administration, industry-relevant or artistic production, professional leadership, and academic and/or applied research. Faculty seeking this rank should demonstrate that they hold and maintain national or international reputations in relevant areas. Any faculty member at the rank of Associate Professor (Clinical) may also request promotion to Professor (Clinical) earlier if the individual can demonstrate exceptional achievements.

Promotion to Senior Language Lecturer

A faculty member ordinarily should hold a relevant advanced degree and have spent at least six years at the rank of Language Lecturer to be eligible for promotion to Senior Language Lecturer.

Promotion requires evidence of excellence and effectiveness in teaching, service and administration, and industry-relevant activity. Faculty at this rank shall have demonstrated strong contributions in curriculum revision or development, service and/or administrative work, and, where relevant, publications or other forms of scholarly, creative, and professional outputs in their disciplines and/or areas of practice. Any faculty member at the rank of Language Lecturer has the option to request review for promotion to Senior Language Lecturer earlier if the individual can demonstrate exceptional achievements.

At all ranks above, for faculty whose responsibilities are primarily administrative, greater weight will be given to performance in this area in promotion reviews.

C. Materials for Promotion

Candidates for promotion may apply according to the deadlines for application published by Oafa as long as they have met the criteria of mentioned in **Sections V. A and V. B**. Candidates will submit a portfolio to the leader of their academic unit. The portfolio must include:

1. Current CV
2. Annual Faculty Activity Reports (with attachments, faculty evaluation summary, and any faculty response) available for the current contract term, and up to five years prior to applying for promotion
3. Evidence of teaching excellence including additional syllabi, sample assignments, student course evaluations, peer evaluations, observation reports, etc.
4. A personal statement in support of promotion, including a brief essay describing and reflecting upon their contributions to their division, to SPS, and to the wider University, including teaching, student advisement, service, and/or scholarly or creative work
5. Three professional letters of reference, of which one must be external to SPS (the letters of reference are solicited by the candidate and uploaded into Interfolio; Oafa then includes them in the portfolio)
6. All previous review and promotion committee recommendations; all previous academic unit leader recommendations

The portfolio may also include, if relevant, and at the discretion of the faculty member:

1. Documentation of all scholarly and/or creative work and/or industry-specific practice, including publications, creative output, or commissioned work.
2. Indicators of accomplishment and contribution such as peer reviews for publications, citations and other ratings, industry or policy-relevant projects, recognition in conventional and social media, etc.

E. Timeline for Promotion

An annual schedule of deadlines for promotion review is published online by OAFA and a notice is sent to all faculty. (These timetables represent guidelines and faculty may not grieve a failure to meet a School deadline set forth here.)

The Promotion Process Timetable:

Faculty member notifies the academic unit leader and OAFA of intent to apply for promotion	By December 1
The faculty member submits the portfolio to relevant academic unit leader for review.	By February 14
The leader of the academic unit assesses candidate's portfolio, and submits their review and candidate's portfolio to the RTP Committee	By March 23
The RTP committee makes a written recommendation to promote or not to promote to the SPS Dean	By April 21
The SPS Dean considers all material, including the academic unit leader's assessment, makes a decision, and communicates it to the academic unit leader.	By May 15
The SPS Dean communicates the final decision to the faculty member in writing, with copy to academic unit leader, and provides the opportunity for the candidate to respond in writing.	By May 21

VII. Grievance Procedure

In accordance with the SPS Grievance Policy, CCF faculty may appeal the decision of the SPS Dean (or their proxy) regarding reappointment or promotion.¹⁴

VIII. Amendments

The SPS Dean, or SPS Faculty Council, or SPS CCF may suggest changes or amendments to this policy as outlined in the Faculty Council Charter. Any proposed changes are subject to a vote by the SPS CCF and review and approval by the SPS Dean and NYU Provost.

[PLEASE CONTINUE TO THE NEXT PAGE: GRIEVANCE POLCIY]

¹⁴ The policy may be found here:

<https://www.sps.nyu.edu/homepage/academics/office-of-academic-and-faculty-affairs/policies-and-documents/full-time-continuing-contract-faculty-grievance-policy.html>



FULL-TIME CONTINUING CONTRACT FACULTY GRIEVANCE POLICY¹

SECTION 1. INTRODUCTION

- 1.1 The purpose of this document is to establish the NYU School of Professional Studies (SPS) policy and procedures by means of which a Full-Time Continuing Contract Faculty member can seek redress for her or his grievance(s).

This policy is responsive to the University's commitment to academic excellence and its responsibility to provide students with access to an excellent education, and cognizant of its responsibility to faculty to afford them due process and a fair hearing of their complaints.

- 1.2 This SPS policy aligns with and incorporates University policy set forth in the Faculty Handbook under Faculty Policies Applicable to Full-Time Continuing Contract Faculty Grievance Procedures² and specifies the process for SPS.
- 1.3 Grievances connected with reappointment and promotion are addressed in a manner that conforms to the general appointment procedures. The initial protection for the faculty member is documented in the New York University Faculty Handbook under Academic Freedom³, which cites Title I 'Statement in Regard to Academic Freedom and Tenure' Section II. The Case for Academic Freedom, and Section IV. Academic Freedom; and the NYUSPS Faculty Handbook under 'Terms and Conditions of Appointment and Reappointment.'

Major Recommendation

The grievance/appeal process, of crucial importance to the faculty, should be developed by the faculty and needs to be added to the Policy document.

The process should be identified and explicitly described at the beginning of this document. 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 confidential vote by the faculty. The process of consideration must include the right to offer amendments, and the confidential vote may occur during a regular faculty meeting or by electronic ballot, as the faculty governance body may determine.

Major Recommendation

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.

- 1.4 It is expected that most grievance cases, particularly those concerned with matters such as duties, salaries, perquisites, working conditions, and other matters will be settled within SPS.
- 1.5 SPS has established a Full-Time Continuing Contract Faculty Grievance Advisory Committee to hear grievance cases in order to advise the Dean. This grievance committee is elected by the Full-Time Continuing Contract Faculty and shall be a standing committee of SPS. The committee shall not include academic directors, associate deans, or any faculty member whose primary assignment is administrative within an academic unit or within the SPS Office of the Dean.

SECTION 2. APPLICABILITY

- 2.1 A grievant must be a faculty member of New York University when he or she initiates the appellate grievance procedure, described below “Appeals from a Dean’s Decision on Appointment, Reappointment, or Promotion” (Section 6).
- 2.2 Faculty members covered by this policy are Full-Time Continuing Contract Faculty as defined in the Faculty Handbook under Faculty Titles⁴ and who are covered by the *NYUSPS Standards and Procedures for Appointment and Reappointment of Full-Time Continuing Contract Faculty (“FTCCF”)* policies.
- 2.3 Faculty members whose primary assignment is administrative are covered by this policy insofar as the grievance concerns their faculty appointment. These faculty members serve in an administrative capacity at the Dean’s discretion; in accordance with the Faculty Handbook under Term of Administrative Appointments⁵ and they are not entitled to grieve the decision of the School to terminate their administrative or staff appointment.
- 2.4 This policy does not cover conflicts between faculty members, unless the faculty member against whom the grievance is lodged was in that case acting administratively. Resolution of questions concerning which capacity gave rise to the grievance shall be a jurisdictional matter for the SPS Dean.

- 2.5 A copy of the SPS grievance procedure should be made widely available and easily accessible to all Full-Time Continuing Contract Faculty members.

SECTION 3. CONFIDENTIALITY

- 3.1 Members of the Grievance Committee and participants in all proceedings of this policy are expected to maintain the confidentiality of the proceedings to the greatest extent possible, consistent with the Committee's goal of conducting a thorough and complete review, and to the extent permitted by law. This expectation extends to any communications during the grievance process between the Committee and the SPS Dean.

SECTION 4. GRIEVABLE MATTERS

4.1 Types of Faculty Grievances

Following the Faculty Handbook⁶, grievances can be made regarding matters in two general areas:

1. Reappointment and promotion
2. Other matters, such as duties, salaries, perquisites, and working conditions

4.2 Grievances relating to Reappointment and Promotion

4.2.1 Basis for Grievance

With respect to grievances related to reappointment and promotion, outcomes of the review process can be grieved only to the extent that they involve violation of University-protected rights of faculty members. Thus, a grievant must allege that the procedures used to reach the decision were improper, or that the case was not given adequate consideration; or that the decision(s) violated the academic freedom of the faculty member in question, as documented in the Faculty Handbook⁷, in which case the burden of proof falls to the grievant.

4.2.2 Who Can Grieve:

Full-Time Continuing Contract Faculty on multi-year contracts of three years or more who are subject to a review process to determine whether they are to be reappointed, 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. He or she is entitled to grieve in that he or she is denied reappointment without review for reasons other than elimination of the position

¹ This policy has been provisionally approved by the Office of the Provost as of fall 2018, pending the final approval of the *Standards and Procedures for Appointment and Reappointment of Full-Time Continuing Contract Faculty*.

² The Faculty Handbook Faculty Policies Applicable to Full-Time Continuing Contract Faculty, Grievance Procedures are available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty/grievance-procedures.html>.

³ The Faculty Handbook Faculty Policies Applicable to All or Most Members of The Faculty Including Tenured/Tenure Track Faculty, Full-Time Continuing Contract Faculty, and Other Faculty, Academic Freedom are available at:

<http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/other-faculty-policies/academic-freedom.html>.

⁴ The Faculty Handbook, Faculty Titles is available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-membership-meetings-and-titles/faculty-titles.html>.

⁵ The Faculty Handbook Faculty Policies Applicable to All or Most Members of The Faculty Including Tenured/Tenure Track Faculty, Full-Time Continuing Contract Faculty, and Other Faculty, Term of Administrative Appointments are available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/other-faculty-policies/term-of-administrative-appointments.html>.

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. 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.

4.2.3 What Cannot Be Grieved:

Grievances cannot be made when SPS does not undertake a reappointment process for a position because the position will be eliminated at the end of a contract, and no similar position is open. Such cases will not be the basis for a grievance.

4.3 Allegations that discrimination on the basis of race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, unemployment status, veteran or military status, sex, sexual orientation, marital or parental status, citizenship status, or any other legally protected basis, affected decisions on reappointment and promotion should be brought to the attention of NYU's Office of Equal Opportunity.

4.4 Issues related to duties, salaries, perquisites, and working conditions

All Full-Time Continuing Contract Faculty, including faculty on one-year appointments, may grieve matters other than promotion and reappointment, such as duties, salaries, perquisites, and working conditions.

⁶ The Faculty Handbook Faculty Policies Applicable to Full-Time Continuing Contract Faculty are available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/faculty-policies-applicable-to-full-time-continuing-contract-faculty.html>.

⁷ The Faculty Handbook Faculty Policies Applicable to All or Most Members of The Faculty Including Tenured/Tenure Track Faculty, Full-Time Continuing Contract Faculty, and Other Faculty, Academic Freedom are available at: <http://www.nyu.edu/faculty/governance-policies-and-procedures/faculty-handbook/the-faculty/other-faculty-policies/academic-freedom.html>.

SECTION 5. PROCESS AND PROCEDURE: GENERAL OVERVIEW

- 5.1. In the case of all grievances, attempts shall be made to settle the dispute by informal discussions between the concerned parties. If a faculty member's grievance is not settled informally at the level of the Associate Dean, Associate Dean of Academic and Faculty Affairs, or the SPS Dean himself or herself, the faculty member may appeal to the SPS Dean to convoke the SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee.

A grievant wishing to bring a matter before the SPS Full-Time Continuing Contract Faculty Grievance Committee must submit a Notice of Grievance to the Dean's Office. The Notice of Grievance shall contain a concise statement of the substance of the complaint, and a summary of the faculty information in support of the complaint, together with documentation, if any.

The SPS Dean shall review the request to ensure it is considered a grievable matter as outlined in Section 4 and shall inform the faculty member accordingly. If the matter is grievable, the SPS Dean shall convene the SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee within 15 working days of the receipt of the written request from the grievant. In any instance in which the Dean has not convened the School's grievance committee within the mandated 15 working days, the faculty member has the right to bring it to the attention of the Office of the Provost. An exception to this may be made only with the consent of the grievant, the SPS Dean, and the Provost.

* Major Recommendation

The requirement that "The SPS Dean shall review the request to ensure it is considered a grievable matter" is not in line with other policies, of which none has such a requirement; moreover, it creates a conflict of interest when the grievant is grieving against the SPS Dean.

Delete the above phrase and insert the following language:

"The SPS Dean shall convene the SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee within 15 working days of the receipt of the written request from the grievant."

Major Recommendation

We strongly recommend the addition of the following language (paraphrased from Liberal Studies and Tandon):

"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 copy of the

committee’s report provided by the committee.”

52. The SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee does not judge the professional merits of the case, but considers the grounds as specified above (Section 4.2.1).
53. The SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee shall proceed to assemble the relevant facts and may seek additional information or evidence pertinent to the case from appropriate, informed, and relevant sources. The Grievance Advisory Committee shall assess the accuracy, credibility, and relevance of any information it collects. In soliciting information from any third party, rights of privacy and confidentiality shall be protected.
54. After considering the evidence, the Committee should reach a conclusion as to what it deems are the relevant facts, set these forth in writing, and then make a recommendation to the Dean for specific action.
55. After obtaining the recommendation of the grievance committee, the Dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his or her decision, together with reasons therefore, and information on the procedure for appeal.

Major Recommendation

We strongly recommend the addition of the following (paraphrased from the Liberal Studies and Tandon):

“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.”

56. The parties may reach a mutually agreed upon resolution to the grievance at any time. If they reach such agreement after the Grievance Advisory Committee has begun its work, the parties shall notify in writing the Chair of the SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee. The specific terms of the mutually agreed upon resolution need not be shared. The Chair of the Grievance Advisory Committee shall inform the committee of the resolution. The Grievance Advisory Committee shall then cease work upon receipt of such notification and shall have no obligation to enforce the parties’ mutually agreed resolution.

Major Recommendation

Add the following language (quoted from the Liberal Studies and Tandon):

“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).”

SECTION 6. APPEALS

- 6.1. Appeals from a Dean’s Decision on Appointment, Reappointment, or Promotion
 - 6.1.1. Appeals from such decisions can be made only on the following grounds:
 - That the procedures used to reach the decision were improper, or that the case received inadequate consideration;
 - That the decision violated the academic freedom of the person in question, in which case the burden of proof is on that person.
 - 6.1.2. A faculty member intending to make such an appeal shall indicate such intention in writing to the Provost, specifying all grounds for and materials in support of the appeal within 15 days after receiving written notification of the Dean’s decision. An exception to this may be made only with the consent of the grievant, the Dean, and the Provost.
 - 6.1.3. Where such an appeal is made, the Dean shall transmit to the Provost a report of the proceedings in the case at its earlier stages. The Provost shall in each case obtain the advice of an advisory committee – the Continuing Contract Faculty Grievance Committee – drawn from a standing committee that shall consist of the members of the Full-Time Continuing Contract Faculty Senators Council (C-FSC) Grievance Committee and the Tenured/Tenure Track Faculty Senators Council (T-FSC) Grievance Committee; in each case committee members shall be selected by the relevant faculty senators council but need not necessarily be members of the particular council. The Continuing Contract Faculty Grievance Advisory Committee shall consist of three members, none of whom are from the grievant’s school: one from the C-FSC standing committee, one from the T-FSC standing committee, and one senior administrator selected by the Steering Committee of the C-FSC.
 - 6.1.4. The Continuing Contract Faculty Grievance Advisory Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations preferably within 30 days of the close of the hearing, but in any case, within sixty days. The Continuing Contract Faculty Grievance Advisory Committee shall at all times follow the requisites of fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case, the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.
 - 6.1.5. The Continuing Contract Faculty Grievance Advisory Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been

observed. Evidence that a decision appealed is so arbitrary that it has no rational foundation may be considered on the issue of “inadequate consideration.”

- 6.1.6. After receiving the advice of the Continuing Contract Faculty Grievance Advisory Committee, the Provost shall decide the case and notify the grievant, the Dean and the Chairperson of the Continuing Contract Faculty Grievance Advisory Committee. If the advice of the latter is not followed, the reasons shall be reported with the decision. The Provost’s decision is final and subject to no further review.
- 6.2. Appeals from a Dean’s Decision on Other Matters Such as Duties, Salaries, Perquisites, and Working Conditions
 - 6.2.1. Appeals from such decisions can be made only on the following grounds:
 - That the procedures used to reach the decision were improper, or that the case received inadequate consideration;
 - That the decision violated the academic freedom of the person in question, in which case the burden of proof is on that person.
 - 6.2.2. Where such an appeal is desired by a Continuing Contract faculty member, the faculty member must inform the Provost in writing within 15 days after he or she is notified of the Dean’s decision. The Provost shall then make informal procedures available.

SECTION 7. GRIEVANCE ADVISORY COMMITTEE COMPOSITION

- 7.1 In order to adjudicate formal faculty grievances there shall be established a Full-Time Faculty Grievance Advisory Committee to the SPS Dean in the following manner:
 - 7.1.1. The Full-Time Continuing Contract Faculty Grievance Advisory Committee will consist of full-time faculty from across the SPS, with no more than one (1) member from each academic unit.
 - 7.1.2. Members of the Full-Time Continuing Contract Faculty Grievance Advisory Committee shall be elected by the faculty at-large for a two-year term.
 - 7.1.3. The Full-Time Continuing Contract Faculty Grievance Advisory Committee shall not include deans, department chairpersons or academic directors, or any faculty member whose primary assignment is administrative in an academic unit or in the SPS Office of the Dean and who are not covered by the *NYUSPS Standards and Procedures for Appointment and Reappointment of Full-Time Continuing Contract Faculty (“FTCCF”)* policies.
 - 7.1.4. The Full-Time Continuing Contract Faculty Grievance Advisory Committee shall elect a Chairperson at the beginning of each academic year.
 - 7.1.5. A member of the SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee may not take part in a review when the grievant is from her or his academic unit.
 - 7.1.6. Any member of the SPS Full-Time Continuing Contract Faculty Grievance

Advisory Committee who has a conflict of interest regarding a particular faculty grievance shall recuse himself or herself from serving on that grievance review. Any member of the grievance committee who has a conflict of interest regarding a particular faculty grievance shall inform the Chairperson of the issue as immediately as awareness permits and a determination should be made accordingly.

- 7.2 The SPS Full-Time Continuing Contract Faculty Grievance Advisory Committee shall consist of three standing members and two alternates of and elected by the SPS Full-Time Continuing Contract Faculty, as documented in the SPS Faculty Council Charter and who are covered by *NYUSPS Standards and Procedures for Appointment and Reappointment of Full Time Continuing Contract Faculty* (“FTCCF”) policies.

The Faculty Handbook provides that Tenured/Tenure-Track Faculty are to serve on the committee for FTCCF grievances; however, as the SPS Faculty is primarily Continuing Contract Faculty, it is not always possible to include Tenured/Tenure-Track Faculty. When possible, a Tenured/Tenure-Track Faculty member from SPS, if such person exists on the faculty and is elected by the voting members of the faculty to serve on the committee, shall also serve on the Full-Time Continuing Contract Faculty Grievance Advisory Committee.

All elected committee members will serve two-year terms (standing and alternate). To ensure continuity and overlap, a one-time exception will be made to initiate the committee. The first committee will have one standing and one alternate member who will serve a three- year term each. Annual elections will be conducted thereafter to elect new members. The sequence will be to elect two then three new members in alternate years (see **Appendix 1**).

8. APPENDIX

NYUSPS Full-time Continuing Contract Faculty Grievance Committee Terms of Office										
	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Standing	1st Election		3rd Election		5th Election		7th Election		9th Election	
Standing	1st Election		2nd Election		4th Election		6th Election		8th Election	
Standing	1st Election		2nd Election		4th Election		6th Election		8th Election	
Alternate	1st Election		3rd Election		5th Election		6th Election		9th Election	
Alternate	1st Election		2nd Election		4th Election		6th Election		8th Election	
			2) Elect 3							
				3) Elect 2						
					4) Elect 3					
						5) Elect 2				
							6) Elect 3			
								7) Elect 2		
									8) Elect 3	
										9) Elect 2