



Date: May 4, 2017

Memorandum to: Katherine Fleming, Provost

From: Allen Mincer
Chairperson, T-Faculty Senators Council
A/Y 2016-2017

Subject: T-Faculty Senators Council Review: Faculty of Arts & Science (FAS) Policies regarding Full-Time Continuing Contract Faculty

The T-Faculty Senators Council submits the attached recommendations regarding the Faculty of Arts & Science (FAS) Policies regarding Full-Time Continuing Contract Faculty, as approved at the May 4, 2017 Council meeting.

cc: Thomas Carew, Anne and Joel Ehrenkranz Dean, Faculty of Arts and Science
Jonathan Lipman, Associate Dean, Faculty of Arts and Science
Carol Morrow, Vice Provost
Peter Gonzalez, Associate Provost for Academic Appointments

Awam Amkpa, T-FSC Vice Chairperson
Arvind Rajagopal, T-FSC Secretary
Wen Ling, T-FSC Chair-Elect
Neville Kallenbach, T-FSC Personnel Policies & Tenure Modifications Co-Chair
Nancy Van Devanter, T-FSC Personnel Policies & Tenure Modifications Co-Chair

**Recommendations of
The Tenured/Tenure Track Faculty Senators Council
In regard to:**

Faculty of Arts and Sciences

**Proposed: Policies and procedures for Continuing Contract Faculty Appointment,
Reappointment, Promotion and Grievance Procedures, and Voting Rights**

FAS Policies and Procedures

Recruitment of New Faculty

1.7 Clinical Assistant Professor, Clinical Associate Professor, Clinical Professor

This document supplements NYU policies applicable to full-time continuing contract faculty. If any part of this document is inconsistent with NYU policies, the NYU policies then in effect will control. As with all NYU and FAS policies, this document is subject to change, and the policies in effect at the time of an action will apply to that action.

Introduction

Clinical faculty are full-time continuing contract faculty positions that provide coordination, continuity, and consistency in instruction and/or administration. Appointees must be experienced in their particular fields and, where relevant, have had experience in curriculum development and supervision of laboratory facilities and teaching assistants. Appointees should possess relevant advanced degree or scholarly or professional credentials, which may vary by discipline and department, as developed in consultation with the Divisional Dean.

Clinical appointments are primarily teaching positions, and often include some administrative and/or supervisory responsibilities. **Research is not part of the clinical faculty's formal obligations.**

1. Recommendation: Suggest adding “though each contract is individually negotiated and in some cases research may be a an expectation.”

Although clinical appointments are without tenure, they are typically multi-year appointments. Clinical faculty members are protected by academic freedom. They receive the same health, retirement and tuition remission benefits as tenured and tenure track faculty. Clinical faculty are ineligible for NYU faculty housing and sabbaticals.

Titles and Qualifications

- *Clinical Assistant Professor* - Teaching experience, minimum of M.A. in the field of expertise, or other appropriate advanced degree.
- *Clinical Associate Professor* – At least six years of relevant teaching and professional experience at NYU or elsewhere; evidence of supervisory experience

(where relevant); superior contributions to the teaching program; as well as recognition for excellence in the professional field and innovation in the area of instruction. Minimum of M.A. in the field of expertise or other appropriate advanced degree.

- *Clinical Professor* - A minimum of 12 years of teaching and related professional experience at NYU or elsewhere, evidence of extraordinary contribution to the NYU teaching program, and evidence of recognition for leadership and innovation in the field or in teaching in the field. Minimum of **M.A.** in the field of expertise or other appropriate advanced degree.

2. Recommendation: Change M.A. to Masters' Degree.

"All but degree" doctoral candidates currently enrolled at NYU are not eligible to be considered for clinical positions.

Continuing Contract Faculty also include Language Lecturers and Senior Language Lecturers, who are addressed separately under {LINK}

3. Recommendation: Suggest deleting this sentence as it seems to violate NYU Bylaws and practices.

Areas of Responsibilities – Responsibilities include some, but not necessarily all of the following, and need not be restricted to them:

- *Teaching* - The normal course load for clinical faculty is three courses per term. This load may be reduced depending on other assigned duties or responsibilities. With the approval of the relevant Divisional and School deans, administrative and professional duties and other professional activities that serve FAS may, if comparable in time demands to one or more courses, substitute for such courses.
- *Service* - Participation on departmental committees is expected. Clinical faculty are also expected to be available to provide advice to the department Chair or Director of Undergraduate Studies or Director of Graduate Studies regarding curriculum, teaching assignments, and any other matters related to their area of instruction.
- *Research* – Although there is no obligation to conduct research, **clinical faculty may be eligible to be principal investigators on curriculum grants, training and teaching grants and other non-research grants in accordance with University policy. Approval to serve as principal investigator on research-related grants will be considered on a case by case basis in accordance with University policy.**

4. Recommendation: Suggest clinical faculty be allowed to be PIs as there are in other schools at NYU.

- *Administration* – In some cases, clinical faculty will have program-related administrative duties, including but not limited to: curriculum development, selection of textbooks and instructional methodologies, implementation of technologies, class schedules, student advisement, supervision of laboratories (if

applicable), supervision and training of clinical faculty and adjuncts, and program management.

Terms of Appointment

- Unless stipulated otherwise in an appointment letter, clinical faculty are appointed for the academic year (September to May) and paid over twelve months (starting October 1). If appointed mid-year, the term of the appointment should be aligned to include the partial year and subsequent full academic year (i.e., the initial appointment would be for at least 1.5 years).
- Summer teaching appointments are optional and are made, subject to curricular needs and the faculty member's desire to teach, with additional compensation. Administrative duties that carry over beyond the nine-month academic year and require service during the summer may carry additional summer compensation.
- For Clinical Assistant Professors, the initial appointment can be made for one to three years. Subsequent reappointment can be made for one to three years.

5. Recommendation: FAS uses the term one year visiting professor for 1 year appointments and otherwise uses 2-3 year contracts. Suggest changing the statement above to “two to three years”

For Clinical Associate Professors and Clinical Professors, the initial appointment is also for one to three years.

- Candidates are eligible for five-year reappointment contracts at all ranks only if they have been at NYU for at least six years and have had at least one prior contract renewal at NYU.
- One-year appointments are typically reserved to address temporary programmatic needs (e.g., a leave or resignation). There is no expectation of renewal, though appointments may be renewed on an annual basis on the recommendation of the Chair or Director.
- In rare instances, a one-semester appointment as a Clinical Assistant Professor may be made to meet an immediate short-term gap in teaching coverage. In these instances there is no expectation of renewal.

6. Recommendation: Delete as FAS one year appointments are not used for clinical faculty.

- There is no limit to the number of terms that a clinical faculty member at any rank can be reappointed.
- Appointments automatically terminate at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.

Annual Review

- Clinical faculty are subject to the annual merit increase (AMI) review, conducted for all full-time faculty members by the department chair or program director, with input from the appropriate faculty committee, as per department or program procedure. Clinical Faculty will submit an Annual Faculty Personnel

Record Supplement, usually in January of each academic year, to report on their teaching and service. This report will be used in the annual merit review, which typically considers the faculty member's teaching performance, contribution to the effectiveness of the program or department, and relevant administrative performance. Note that additional weight will be given to the performance of administrative duties for faculty whose duties are primarily administrative.

7. Recommendation: Add evaluation of research to the Annual Faculty Evaluation.

Governance

Full Faculty meeting attendance and voting rights can be found under University Bylaw 82 (c). FAS practice is to hold joint full faculty meetings inclusive of continuing contract faculty, including clinical faculty, and tenure/tenure track faculty. Clinical faculty are also eligible to participate and vote in the FAS Faculty Assembly.

At the department level, continuing contract faculty, including clinical faculty, may participate as members of the department faculty in department governance, with the exclusion of matters related to promotion, ~~and~~ tenure, and hiring of tenured and tenure-track faculty, and matters directly or indirectly affecting the individual's candidacy for a degree, or matters affecting his or her status on the faculty of NYU.

8. Recommendation: Please clarify this statement.

Procedures for Recruitment and Appointment

As part of the Annual Planning Report, each Chair/Director forwards to the Divisional Dean a Faculty Staffing Plan outlining requests for new faculty hiring. In particular, the request should include a justification that there is an important teaching need, and that this need can best be met with a continuing contract faculty appointment, including a clinical faculty appointment, rather than a tenured or tenure-track faculty member. Detailed procedures for recruitment of new full time faculty, including clinical faculty, are available online at <http://as.nyu.edu/object/aboutas.pp.assocdean.recruitment>.

9. Recommendation: Suggest deleting as it is not directly relevant to personnel policy for clinical faculty.

Appointment letters specifying the terms and length of employment are issued by the Divisional Dean.

10. Recommendation: Change appointment letter to contract.

Procedures for Reappointment

General Considerations:

Appointment processes for Continuing Contract Faculty, including clinical faculty, shall reflect the University's overriding commitment to enhance academic excellence and to provide students with the best available educational experience. Thus, each Continuing

Contract Faculty appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of the school, including its educational and training programs, and shall exemplify the University's commitment to appoint and retain the best faculty in all disciplines.

Reappointment is based on departmental criteria of overall performance as a teacher, and, if applicable, as an administrator or researcher. In addition, reappointment is subject to the academic and curricular needs of FAS and the University; thus, review for reappointment and promotion shall consider curricular or structural changes and improvements in academic programs. Even in those cases in which a candidate satisfies the appropriate standards of achievement, the decision to reappoint or promote may be impacted by curricular and structural changes and improvement in academic programs. In this case, the basis for non-reappointment will be clearly stated in the notice given to the faculty member.

11. Recommendation: Suggest adding specific time frames for evaluation and notification of continuation per Provost guidelines either here or below.

Reappointment for Multi-Year Contracts of Three Years or More, and/or Promotion

University guidelines require Continuing Contract Faculty, including clinical faculty, to be reviewed in the penultimate year of a multi-year contract. Penultimate year reviews must be submitted by the department or program to the appropriate Divisional Dean by March 15. If the department has any concerns that a clinical faculty member is not fulfilling the requirements of the position or that the position may not be needed to fulfill the teaching mission of the department or program, these should be clearly outlined in the report submitted to the Divisional Dean. Any reservations must be shared in writing and in person with the faculty member, who is obliged to acknowledge receipt of this information by countersigning the report on a summary of the report, so that he or she is under no misunderstanding regarding the expectations for him or her. The Chair or Director must submit a written report to the Divisional Dean that includes the substance of the review and a recommendation for reappointment, promotion or termination. In the event of a decision to reappoint the faculty member shall complete the remainder of his/her term and shall be reappointed, normally, for another multi-year term.

Following a review, if the decision is not to offer a reappointment, the faculty member shall be notified of the decision no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.

Upon request, the timing of a review may be delayed by stopping the contract clock for reasonable cause that has been approved by the Divisional Dean, e.g., medical, personal, as primary caregiver for child, spouse, parent, same sex domestic partner, or by contractual stipulation or negotiation.

When a position is to be eliminated at the end of the contract term and there is no similar position open, there is no reappointment process; however, the faculty member may request a

performance review for career development.

For faculty whose responsibilities are primarily administrative, greater weight will be given to performance in both multi-year appointments and recommendations for promotion.

12. Recommendation: Clarify rationale for this statement or delete

Reappointment for Continuous Service on One-Year or Two-Year Contracts

13. Recommendation: Suggest delete one year.

In addition to contracts of three years or more, clinical faculty may be recommended by the Department Chair or Director to a series of one-year or two-year full time contracts. Notification of reappointment decisions should be made to the Divisional Dean by March 15th. In the third year of continuous appointments, the faculty member shall be subject to formal review comparable to those to which faculty members on longer multi-year contracts are subject.

14. Recommendation: Provost guidelines suggest continuous single year contracts should be discouraged.

Formal Review Processes

The review, whether for renewal and/or promotion is undertaken by a committee appointed by the department Chair or Director, consisting of three to five full-time faculty, with a minimum of two tenured or tenure-track faculty and at least one clinical faculty member. In the case of promotion to Clinical Associate Professor, Clinical Assistant Professors are not eligible to serve. In the case of promotion to Clinical Professor, Clinical Assistant Professors and Clinical Associate Professors are not eligible to serve. In any event, the committee shall not include a clinical faculty member under review for reappointment that year. Any deviation from this configuration of the committee must be approved by the Divisional Dean.

15. Recommendation: Consider election of committee members in larger departments

16. Recommendation: For last sentence in the above paragraph clarify circumstances in which this might occur.

I. PROMOTION

If the review packet is for promotion, it also must describe how the candidate meets the qualifications for Clinical Associate Professor or Clinical Professor as prescribed by the "Titles and Qualifications" section of this document. Furthermore, the candidate must have been in his or her current rank for a minimum of three years and had at least one prior reappointment at the current rank to be eligible for promotion in rank.

In addition to the consideration of teaching, administration, ~~and~~ service activities, and research (if appropriate), recommendations regarding promotion also may be based on a prognosis of the

clinical faculty member's future achievements based on dependability, growth, potential, and versatility of the faculty member as he or she will contribute to the evolving mission of FAS

Candidates may request promotion during their second review in rank and any year after.

II. DEPARTMENT

The candidate should submit a personal statement, curriculum vitae, course syllabi, and teaching evaluations to the Chair or Director of the Department; for candidates on multi-year appointments, this should be submitted on or before February 1 of the penultimate year of their current appointment. These materials are to be made available to the review committee for their evaluation. The review committee should prepare a report of their evaluation and recommendation, which has been read, approved, and signed by all committee members. The committee report 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, the dissenting opinion should be appended to the majority review. The committee report may be supplemented by input from other members of the department. The committee report and supporting materials must be made available to and discussed by the eligible faculty. Faculty members in the department may propose amendments to the report.

17.Recommendation: Provide more details on the process described. Is an actual vote count included? Is the vote by secret ballot?

The departmental committee must present its final recommendations to the faculty for a vote. The recommendation must take the form of a written report. In the case of reappointment of a Clinical Assistant Professor, all tenure-track and tenured faculty members and Clinical Associate and Clinical Professors are eligible to vote. For promotion to, or reappointment as, Clinical Associate Professor, only tenure-track and tenured faculty members and Clinical Associate and Clinical Professors are eligible to vote. For promotion to, or reappointment as Clinical Professor, only tenure-track and tenured faculty members and Clinical Professors are eligible to vote. There should be an open discussion among the eligible faculty members in advance of a vote, which must be conducted by secret ballot. Faculty not present at the discussion should be invited to submit a vote and opinion in writing; these votes and opinions must be recorded separately from those who attended the discussion.

The review packet to be presented to the faculty should normally include:

- An up-to-date curriculum vitae of the candidate
- A description of the candidate's teaching and administrative responsibilities
- A list of all courses taught since the last review
- Committee service
- An evaluation of teaching performance of the candidate, which should include:
 - Course evaluations (provided by the department administration)
 - Course syllabi (provided by the candidate)
 - Reports of classroom observation (provided by department administration)

or committee)

- An evaluation by the committee of the candidate's other contributions to the instructional program, for example, curriculum development
- If applicable, an evaluation of the candidate's administrative performance, including any role in the training and supervising of adjunct instructors or other clinical faculty. **Note that additional weight will be given to the performance of administrative duties for faculty whose duties are primarily administrative**

See Recommendation 17 above.

- A personal statement from the candidate assessing his or her contributions
- If applicable, scholarship including, but not limited to, research and publications related to their specific discipline or field, to the pedagogy of their field, or to the work of the department/program/university.

The committee will consider all work activity, as listed above, since the last review, including materials from the ultimate year of the previous contract.

A summary of the review, prepared by the Chair or Director in the form of a letter, must be given to the candidate and discussed with him or her by the Chair or Director. The candidate must sign the letter to indicate that he or she has read it and discussed it with the Chair or Director. This summary must cover both strengths and weaknesses of the candidate's performance.

The summary letter to the candidate must include the recommendation that the evaluation committee is making to the Divisional Dean, including promotion, the length of reappointment (if that is the decision), and a signature block for the candidate. It must also include the following sentences: "Regardless of the merits for reappointment/promotion at this time, this letter does not constitute a guarantee of future reappointment." "Candidates will be judged for reappointment/promotion in the future according to the conditions and standards in effect at the time of their next review." "I have read this letter and understand its contents."

A draft of the candidate's summary letter should be forwarded to the Divisional Dean along with the review packet and the committee's recommendation by March 15. Once approved by the Divisional Dean, the candidate's summary letter must be signed by both the Chair and the candidate.

III FAS DEAN'S OFFICE

The Departmental Review and all relevant supporting materials will be reviewed by the relevant Divisional Dean. Additional input from the Dean of the College of Arts and Science, and the Dean of the Graduate School of Arts and Science may also be sought, as appropriate. The Deans may consult with faculty from academic departments other than the candidate's home department. If there are questions in any particular case, the chair of the department review committee may be asked to provide additional information to the Divisional Dean.

The Divisional Dean makes his or her recommendation to the Dean of Arts and Science. After receiving the Divisional Deans advice, the Dean of Arts and Science will inform

the Department Chair of the advice provided by the Divisional Dean as well as his or her own decision. If the decision of the Arts and Science Dean is contrary to that of the departmental evaluation committee, the Dean will provide the department chair with the reasons. The Chair or Director has an opportunity to respond to the Dean's decision in writing and provide additional information within ten days.

Notice of intention not to reappoint shall be sent to the faculty member not later than August 31st of the penultimate year of the contract.

Faculty Grievances

Faculty Grievances are classified into two main types: 1) those connected with reappointment or promotion and 2) those concerned with other matters, such as duties, salaries, perquisites, and working conditions

As per university guidelines, with respect to grievances related to reappointment and promotion, 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 of either type 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.

- The decision not to undertake the reappointment process where a position is to be eliminated at the end of the contract term, and where no similar position is open, is not the basis for a grievance.
- A clinical faculty member whose contract is non-renewable or 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, under the same criteria as cited in the preceding paragraph.
- 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.

If a faculty member's grievance is not settled informally at a level below the Dean, or by the Dean himself or herself, the faculty member may appeal to the Dean to convoke the FAS Continuing Contract Faculty Grievance Committee, to hear grievances in order to advise the Dean.

The following transitional structure for the Grievance Committee, approved April 16, 2015 by the Office of the Provost, is in place until otherwise amended: this committee is

composed of 5 faculty members, consisting of 2 tenured faculty members elected to the standing FAS Grievance Committee and 3 senior members of the FAS Continuing Contract Faculty Senate or senior contract faculty members of the Faculty Assembly.

The Dean shall convoke the committee within fifteen working days of receiving the faculty member's appeal.

Appeal

Following the review of the FAS Grievance Committee, in the event the decision of the Dean of Arts and Science is not to reappoint or promote, an appeal can be made to the Provost, following the procedures enumerated in the [Faculty Handbook](#).

General Disciplinary Regulations

All faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic community. In particular, the faculty member is obligated to comply with the standards of academic freedom as outlined in the [Faculty Handbook](#).

Disciplinary action may follow when the faculty member engages in other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University as set forth in the [Faculty Handbook](#).