



Date: November 15, 2018

Memorandum to: Katherine Fleming, Provost

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

Subject: Recommendation in regard to: NYU Rory Meyers College of Nursing Policies and Procedures for Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty

The T-Faculty Senators Council submits the attached joint recommendations of the T-FSC and the C-FSC in regard to: NYU Rory Meyers College of Nursing Policies and Procedures for Appointment, Reappointment, and Promotion of Full-Time Continuing Contract Faculty. These recommendations were approved by the Council at the November 15, 2018 meeting.

cc: Eileen Sullivan-Marx, Meyers Dean
Gigi Dopico, Vice Provost for Undergraduate Academic Affairs
Carol Morrow, Vice Provost
Peter Gonzalez, Assistant Provost

Nicholas Economides, T-FSC Vice Chairperson
Amanda Watson, T-FSC Secretary

Phyllis Frankl, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair
Robert Lapiner, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair

Mary Killilea, C-FSC Chairperson

Recommendations of the T-FSC and the C-FSC in regard to:

NYU RORY MEYERS COLLEGE OF NURSING

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

BACKGROUND

Following the separation of the NYU Rory Meyers College of Nursing (hereafter referred to as Meyers) from the NYU College of Dentistry, the school's policies pertaining to the appointment, reappointment and promotion of Full-Time Continuing Contract Faculty (hereafter referred to as Clinical Faculty) were revised with input from an Appointments and Promotion/Continuing Contract Faculty Committee (hereafter referred to as AP/CCF Committee) as well as the leadership of the Meyers Faculty Council and the Meyers College Dean, Eileen Sullivan-Marx. The completed document was presented to the Meyers Faculty Council for electronic voting on February 12, 2018 and was passed by a quorum of full-time faculty with no votes opposed or abstained, per the Meyers By-Laws dated May 1, 2017. On March 2, 2018 Dean Sullivan-Marx submitted the document to NYU Vice Provost, Carol Morrow.

At NYU, our strong tradition is for schools to develop policies that are "consistent with school culture and history." Within that tradition, the NYU Faculty Handbook (hereafter Handbook) provides that school policies will be reviewed by the Provost to determine "whether the substance of the policy: (i) is consistent with general University policy; (ii) is compatible with the University's commitment to excellence in teaching, research, scholarship, or artistic achievement and service within a community of respectful and respected academic professionals; and (iii) has no adverse implications for the University." As part of the process of finalizing the Meyers policy for its Clinical Faculty, NYU Provost Katherine E. Fleming invited the C-FSC to comment on the document called "AP_Draft.3.14.2018_Revision 3 AGS", adopting the same perspective (per letter of March 23, 2018 from Katherine E. Fleming to the C-FSC and T-FSC Chairs).

The following document will enumerate various questions, comments and recommendations to the submitted policy.

MAJOR SUBSTANTIVE RECOMMENDATIONS

1. Add a description of the faculty voting process for the approval of this document. This is in keeping with the New York University Guidelines for Full-Time Continuing Contract Faculty, issued June 12, 2014, revised December 15, 2015, page 1, Section II., Formulation of School Policies, paragraph 2, sentence 1, which states:

"In response to these guidelines and as appropriate thereafter, schools shall formulate or amend their policies in accordance with existing school governance processes and with the expectation that Full-Time Continuing Contract Faculty shall

participate in formulating and/or amending the school policy to the extent and manner in which school governance policies permit.”

Clarify specifically and explicitly the process of consultation with Clinical Faculty.

We strongly recommend that any development of this policy follow the letter and the spirit contained in the University Guidelines for Full-Time Continuing Contract Faculty, allowing the Clinical Faculty, acting according to the school’s governance structure (e.g. the Meyers Faculty Council or similar body, faculty meeting, etc.) an active, essential and meaningful role in forming and approving any new policy, which policy must necessarily include the grievance/appeal process.

2. Page 2. Appointment as a Member of the Faculty

We recommend including research (which is not required but could be considered) in the evaluation of CCF.

3. Page 2. Appointment as a Member of the Faculty

We recommend the inclusion of a section that describes faculty participation in shared governance.

4. Page 3. Appointment as a Member of the Faculty.

Clarify the Meyers policy for supporting “publications or presentations at scholarly meetings.”

In schools where professional, scholarly and/or creative activity is either required or encouraged for reappointment and promotion, we recommend that professional development funds and research leave or sabbatical should be provided to further support professional, scholarly, or creative work. A description of that eligibility, and the process governing it, should be added following paragraph 2.

5. Page 3. Section II. Appointment as a Member of the Faculty

We recommend that a statement of hiring practices be included. Transparency is needed.

6. Page. 3. General Criteria for Appointment, Reappointment, and Promotion

We recommend adding here or in Appendix a time line for reappointment processes, including reappointment evaluation and notification of contract renewal or termination.

7. Page 3. General Criteria for Appointment, Reappointment, and Promotion, paragraph 3.

Clarify the distinction between titles as reflected in the duration of contracts. An appointment of at least five years is the norm for Clinical Associate Professor, with an increase in term of appointment for Clinical Professor.

We recommend rewording paragraph 3, sentence 2 as follows:

“After the initial year, reappointment for Clinical Assistant is for three years, Clinical Associate is for five years, and Clinical Professor is for six years. When promoted to a three-year contract as Clinical Assistant Professor, subsequent re-appointments shall be for at least three years. When promoted to a five year contract as Clinical Associate Professor, subsequent re-appointments shall be for at least five years. When promoted to a six year contract as Clinical Professor, subsequent re-appointments shall be of at least the same length.”

We also recommend moving these sentences to the end of paragraph 2.

8. Page 3. General Criteria for Appointment, Reappointment, and Promotion, paragraph 3.

We recommend that paragraph three address reappointment only and be reworded as follows:

“Reappointment will be contingent upon the faculty candidate demonstrating excellence in teaching, scholarship, and/or service at NYU Meyers or clinical care at affiliated or other practices and hospitals (see Section V.B below), upon curricular and programmatic need and available multi-year funds.”

The policy should also indicate that curricular or programmatic need does not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining whether the professor can or cannot teach under the new curriculum or structure. We recommend adding the following language to the end of paragraph 3:

“In such event, the review would focus on whether the faculty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity.”

9. Page 3. General Criteria for Appointment, Reappointment, and Promotion, paragraph 3.

We recommend that termination of a contract include the specific timeframe in which notification must be given, as specified in the Handbook on pages 55-56. We suggest the following language:

Notice of intention not to reappoint a Clinical Faculty member of any rank shall be sent to the individual affected according to the following schedule:

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

(b) Not later than August 31 of the penultimate year, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.

10. Page 3. General Criteria for Appointment, Reappointment, and Promotion, paragraph 4.

We recommend deleting because the substance of this paragraph has already been addressed in II. Appointment as a Member of the Faculty, paragraph 2.

11. Page 4. Ranked Titles, paragraph 1, sentence 2.

Since Continuing Contract faculty are exclusively non-tenured, add language describing non-tenured faculty expectations. We recommend the following edit and addition:

“Continuing Contract faculty lines differ from tenure-track lines. Although continuing contract lines are without tenure, they are typically multiyear. Clinical faculty will have no limit on the number of reappointments at each rank.”

12. Page 4. Specific Criteria for Full-Time Continuing Contract Faculty Titles

We recommend adding a description of the circumstances in which CCF faculty may apply for a vacant TT position, detailed in NYU CCF guidelines 2014.

13. Page 5. Other faculty titles

Recommendation: Consider the development of a “clinical ladder for advancement.”

14. Page 5. Clinical Associate Professor, paragraph 2.

Change duration of contracts. An appointment of at least five years is the norm for Clinical Associate Professor. We recommend the following edit:

“Initial new hire appointment as Clinical Associate Professor is for one year; thereafter, reappointment will be for five years. Promotion from Clinical Assistant Professor to Clinical Associate Professor is for five-year renewable appointments.”

15. Page 5. Clinical Professor, paragraph 2.

Change duration of contracts. An appointment of at least six years is the norm for Clinical Professor. We recommend the following edit:

“Initial new hire appointment as Clinical Professor is for one year; thereafter, reappointment will be for six years. Promotion from Clinical Assistant Professor to Clinical Associate Professor is for six-year renewable appointments.”

16. Page 5. Non-Ranked Titles, Clinical Instructor, paragraph 2.

To prevent the establishment of a permanent group of continuing contract faculty on one-year appointments, add language allowing for a transition to an appointment of at least three years for faculty on one-year appointments who successfully complete a formal review. We recommend the following edit:

“Appointment as a Clinical Instructor carries with it the possibility of annual/multi-year reappointment. Clinical Instructors on continuous one-year appointments who successfully complete their formal review shall move to at least a three-year appointment. Clinical Instructors will have no limit on the number of reappointments and are not eligible for tenure.”

17. Page 6. Summary of Procedures for Reappointment and Promotion for Continuing Contract Faculty.

Add language regarding the process and timetable. We recommend language similar to:

“The faculty member shall receive notification that they are up for review no later than the first week of the academic year in the penultimate year of their appointment.”

18. Page 6. Reappointment, paragraph 2.

We recommend incorporating part of paragraph 3 into paragraph 2 after sentence 3 using this language to reflect the communication process:

“The Executive Vice Dean of Meyers will provide a written review of the faculty candidate to the AP/CCF Committee. The letter from the Executive Vice Dean will include a summary description of the academic responsibilities and contributions of the faculty member in Meyers. The AP/CCF Committee will review and make recommendations to the Dean about all reappointments.

19. Page 6. Reappointment, paragraph 2.

“Automatically terminate” in the final sentence of this paragraph is also problematic. The policy should indicate that curricular or programmatic need does not automatically warrant a denial of reappointment. Instead, the denial should have a rational basis, and it should include a process for determining whether the professor can or cannot teach under the new curriculum or structure. We recommend deleting sentence 6 and replacing it with the following language at the end of paragraph 2:

“Even in those cases, the review would focus on whether the faculty member would be able to teach in the revised curriculum and/or new academic structure and, if so, in what capacity.”

20. Page 6. Reappointment, paragraph 3.

Delete the remainder of paragraph 3 (see number 12 above) as reappointment review for contracts will be every 3 years or so depending on contract length, therefore 3rd and 6th year reviews are no longer necessary.

21. Page 7. Standards for Promotion to Clinical Professor, paragraph 2, sentence 1.

Specify “teaching portfolio” to include a range of factors that can be considered for promotion. We recommend deleting “that includes student and peer evaluation” from item (c) and inserting the following language at the end of sentence 1:

“The teaching portfolio may include course materials (e.g. syllabi, lecture notes, assignments), course development and innovation, instructor development, collegial observations, self-presentation, samples of student writing, evidence of continuing influence upon students, examples of learning beyond the classroom, student evaluations, etc. For faculty whose responsibilities also include administration, greater weight will be given to performance in this area in reviews for reappointment or promotion.”

22. Page 8. Standards for Promotion to Clinical Professor, paragraph 2, between sentences 4 and 5.

Add language detailing the process governing the creation of the AP/CCF Committee’s recommendation. We recommend inserting the following language after sentence 4:

“The recommendation may be written by one or more members of Meyer’s five member AP/CCF Committee, but all members of the committee should read the recommendation before it is submitted to the Dean. The recommendation should represent a collective judgement 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 recommendation.”

23. Page 8. Standards for Promotion to Clinical Professor, add paragraph 3.

Add language about communicating the results of the reappointment or promotion recommendation to the faculty member as well as procedures to be followed. We recommend adding a third paragraph to this section of the policy, such as:

“The Executive Vice 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 Executive Vice 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. If the Executive Vice Dean's decision is contrary to that of Meyer's AP/CCF Committee concerning appointment, title, or length of contract, the Executive Vice 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 Executive Vice Dean's decision is finalized. In all cases of an appeal to a negative decision related to reappointment or promotion by the Executive Vice Dean, the candidate will have access to the AP/CCF Committee's full report, including its recommendation and any comments from the faculty."

24. Page 8. Non-Ranked Continuing Contract Faculty.

Add language allowing for a transition from one-year to three-year appointments to the end of this paragraph, such as:

"A Clinical Instructor on continuous one-year appointment shall move to a three-year appointment if promoted to Clinical Assistant Professor."

25. Page 8. Grievance Procedures for Continuing Contract Faculty, paragraph 2.

Add language similar to the following at the end of this paragraph:

"In all cases of an appeal of a negative decision related to reappointment or promotion by the Executive Vice Dean, the candidate will have access to the Meyer's AP/CCF Committee's full report, including its recommendations and any comments from the faculty."

26. Page 9. Grievance Procedures for Continuing Contract Faculty, paragraph 3.

Add "in writing" to the end of sentence 5, then add language to further clarify procedures before sentence 6, such as:

"If the committee's report is accepted by both the grievant and the Executive Vice Dean, the matter shall be considered settled. However, if the Executive Vice 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 reasons. This memorandum must be sent both to the grievant and to the committee along with the procedure for appeal."

MINOR SUBSTANTIVE RECOMMENDATIONS

27. Page 4. Definition of Clinical Scholarship, subtitle: “Definition of Clinical Scholarship”

Recommendation

Edit for consistency (see Editorial Recommendations below). We recommend “Definition of Scholarship”

28. Page 5. Clinical Professor, last paragraph

For purposes of clarity, we recommend deleting the last phrase “and its affiliated clinical facilities and hospitals.” The sentence should read, “The rank of Clinical Professor may be granted to those members of the faculty who have served in a position that includes in its title Associate Professor or its equivalent at NYU or other institutions and who fulfill leadership service roles in NYU Meyers.”

29. Page 4. Ranked Titles, paragraph 1, sentence 2: “and are not eligible for tenure”

Recommendation

Redundant. We recommend deleting the end of this sentence.

EDITORIAL RECOMMENDATIONS

30. Page 3. Summary of Faculty Titles, line 2: “and who maintains”

Recommendation

Verb tense is incorrect. We recommend “and who maintain”

31. Page 3. Appointment as a Member of the Faculty, paragraph 2, sentence 1: “expended in scholarly activities”

Recommendation

Edit for consistency. We recommend “expended in scholarship”

32. Page 3. Appointment as a Member of the Faculty, paragraph 2, sentence 2: “maintain a degree of scholarly productivity”

Recommendation

Edit for consistency. We recommend “maintain a degree of scholarship”

33. Page 3. General Criteria for Appointment, Reappointment, and Promotion, paragraph 3, sentence 3: “excellence in teaching, scholarly productivity, and or service”

Recommendation

Edit for consistency. We recommend “excellence in teaching, scholarship, and or service”

34. Page 4. Ranked Titles, Clinical Assistant Professor, paragraph 1, sentence 1: “effective teaching and scholarly activity”

Recommendation

Edit for consistency. We recommend “effective teaching and scholarship”

35. Page 5. Ranked Titles, Clinical Professor, paragraph 1, sentence 2: “through scholarly activities”

Recommendation

Edit for consistency. We recommend “through scholarship”

36. Page 7. Standards for Promotion to Clinical Professor, sentence 2: “which may or may not be use”

Recommendation

Verb tense is incorrect. We recommend “which may or may not be used”