



Date: May 6, 2016

Memo to: David W. McLaughlin, Provost

From: Allen Mincer
Chairperson, T-Faculty Senators Council
A/Y 2015-2016

Subject: Recommendations of the T-FSC regarding Guidelines for Full-Time Non-Tenure Track/Contract Faculty Appointments, Center for Urban Science and Progress (CUSP)

At the May 5, 2016 meeting of the T-Faculty Senators Council, the attached recommendations were approved.

cc: Katherine Fleming, Deputy Provost and Vice Chancellor
Carol Morrow, Senior Associate Provost/Chief of Staff to the Provost
Steven E Koonin, Director, Center for Urban Science & Progress (CUSP)
Paul M Horn, Senior Vice Provost of Research
Peter Gonzalez, Assistant Provost for Academic Appointments

Awam Amkpa, T-FSC Vice Chairperson
Arvind Rajagopal, T-FSC Secretary
Mitchell Kane, T-FSC Immediate Past Secretary
Warren Jelinek, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair
Nancy Van Devanter, T-FSC Personnel Policies & Tenure Modifications Committee Co-Chair

**Recommendations Of
The Tenured/Tenure Track Faculty Senators Council In Regard To:**

**GUIDELINES FOR
FULL-TIME NON-TENURE TRACK/CONTRACT FACULTY APPOINTMENTS
CENTER FOR URBAN SCIENCE AND PROGRESS (CUSP)**

Background

CUSP is a Provostial unit created in fulfillment of the Applied Sciences NYC award of 370 Jay Street to New York University by the New York City Economic Development Corporation (EDC). NYU and the City established CUSP as a vehicle for the research, study, analysis and development of effective solutions to significant "real world problems" affecting the delivery of municipal services and "critical challenges" to the urban environment and economy. As a University-wide center, CUSP offers a Master's degree in Applied Urban Science & Informatics. CUSP is authorized to make appointments of FTNTT/CF faculty and to offer cross appointments to T/TT faculty in the schools, colleges, institutes, departments, divisions, and other units of NYU. CUSP's FTNTT/CF faculty members are a vital part of the team that will allow CUSP to meet its commitment to teaching excellence, world-leading research, and other forms of scholarly achievement.

According to project commitments included in the April 25, 2012 Development, Use and Operation Agreement for 370 Jay Street, NYU will report to the EDC the number of tenured faculty, tenure-track faculty, contract faculty, research scientists and senior researchers from industry working at CUSP..

Substantive Recommendations

1. II. Scope of these Guidelines
page 3

“(ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion within the appointment category, such as from Assistant to Associate, may be required for renewal);”

It is not defined in this policy under what conditions “promotion within the appointment category, such as from Assistant to Associate, may be required for renewal.”

Are such conditions standard and will they be applied equally to all Full-time Non-Tenure Track/Contract Faculty within an appointment category who seek renewal?

Recommendation

Add language that clearly specifies the conditions under which promotion is required for appointment renewal at CUSP.

2. III. Titles and Terms of Employment
C. Duration of Contracts
page 4

“Within the framework of CUSP's long term staffing plans, extended periods of employment support continuing involvement with students and colleagues and provide an appropriate and desirable element of job security. As such, CUSP FTNTT/CF appointments will typically be secured by a three-year contract with renewable terms, unless a one-year renewable contract is more appropriate based on CUSP's academic curricular needs.”

Recommendation 1

In keeping with the spirit of the proviso of the
NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT
FACULTY APPOINTMENTS

IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT

Excellence in Faculty Appointments

Hiring Plan and Process

a. Duration of Contracts:

“Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts are programmatically and academically desirable in a number of schools and academic programs within schools, and can be justified accordingly.”

Consider specifying that a FTNTT/CF member appointed on successive one-year contracts who successfully completes the three-year review shall be eligible for a three-year contract.

Recommendation 2

Define conditions or give examples for when a one-year contract would be more appropriate.

- 3. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
Second Paragraph
page 4

“The hiring process includes consultation with NYU's TTT faculty who have joint appointments in CUSP and also provides for meaningful FTNTT/CF input.”

Recommendation

Add language that specifies the processes by which the TTT who have joint appointments in CUSP will be consulted and the FTNTT/CF will have input. For example, will TTT and FTNTT/CF an opportunity to review the CVs of potential candidates for hire or meet with them, and comment? Will the TTT and FTNTT/CF vote on whether a potential candidate should be hired?

- 4. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
A. Eligibility and Criteria for Reappointment and Promotion
First Paragraph
Second Sentence
page 4

“CUSP will provide regular written feedback to faculty on three-year contracts regarding their performance based on standards embodying the highest levels of achievement.”

What is the definition of “regular”, annual, semiannual, etc.?

Is it a reference to:

III. Titles and Terms of Employment

Hiring, Reappointment, and Promotion

B. Reappointment for Three-Year Contracts.

Sixth (last) Paragraph

page 5

“In addition to formal reviews at the time of potential reappointment, each FTNTT/CF member on a three-year contract shall annually submit to his/her cognizant Deputy Director an activity report, using an activity report form, which will shall [sic] be provided to each FTNIT/CF member 30 days in advance of its due date.”

Recommendation

Define “regular” as it applies to FTNTT/CF on three-year contracts, and if the review process is as indicated in the sentence quoted above, give reference to it here as clarification.

5. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
A. Eligibility and Criteria for Reappointment and Promotion
First Paragraph
Last Sentence
page 4

“However, 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, structural, or financial changes.”

Recommendation

Add the stipulation that if the reason not to reappoint is due to a curricular, structural or financial change, an attempt will be made to determine whether the not-reappointed faculty member would be qualified to fill another vacant position, if one is available, and if qualified, the faculty member will be considered for such position, or absent that, the reason not to reappoint will be clearly stated in a report not to reappoint, which will be available to the not-reappointed faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s performance.

6. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Fourth Paragraph
Second Bullet Item

page 5

“a statement of the academic criteria in the areas of teaching, program development, research and scholarship, and service that will guide the committee's evaluation;”

It appears that the intended statement of the academic criteria is: Appendix B, Performance Reviews.

Recommendation

If Appendix B is the intended statement, add a reference to it in the second bullet item:

“a statement of the academic criteria in the areas of teaching, program development, research and scholarship, and service that will guide the committee's evaluation (Appendix B);”, or ,if it is not the intended statement, consider including in this document the intended statement to make it easily accessible.

- 7. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Final Paragraph

Page 5

“In addition to formal reviews at the time of potential reappointment, each FTNTT/CF member on a three-year contract shall annually submit to his/her cognizant Deputy Director an activity report, using an activity report form, which will shall be provided to each FTNIT/CF member 30 days in advance of its due date.”

What is the purpose of this annual activity report?

Recommendation

As indicated previously (#4), consider specifying the purpose of this annual activity report. Will it be reviewed annually? Who, or what committee will review it? If an annual review occurs, specify that the FTNTT/CF member will receive written and oral feedback from the review as it may relate to his or her prospects for reappointment, or critiques, or suggestions for improvement, if there are such.

- 8. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.

First Paragraph

First Sentence

Page 5

“CUSP Deputy Directors should conduct a performance review of and provide feedback to each FTNIT/CF member reporting to them. FTNTT/CF may be reappointed to a series of one-year full-time contracts.

Recommendation 1

Replace “should” with “shall”, as “should” implies optional, non-standardized practice across different CUSP academic units headed by different Deputy Directors.

Recommendation 2

Specify when during the one-year contract this performance review shall occur and consider specifying a standardized procedure for the performance review and, as indicated above (#4 and # 8), that the faculty member will receive written and oral feedback with an assessment of the potential for contract renewal, areas of strength, and areas of weakness that require improvement for continued contract renewal.

9. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.
First Paragraph
Third Sentence
Page 5

“As is the case in 3-year contracts, eligibility to be considered for reappointment does not guarantee reappointment.”

Recommendation

Add the stipulation that if the reason not to reappoint is due to a curricular, structural or financial change, an attempt will be made to determine whether the not-reappointed faculty member would be qualified to fill another vacant position if one is available, and if qualified the faculty member will be considered for such position, or absent that, the reason not to reappoint will be clearly stated in a report not to reappoint, which will be available to the not-reappointed faculty member, so as to eliminate any possibility that the decision not to reappoint could be interpreted as due to the failure of the faculty member’s performance.

10. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
C. Reappointment on One-Year Full-Time Contracts.
Second Paragraph
First Sentence
Page 5

“In the first semester of the third year of continuous appointments, a FTNTT/CF member shall be subject to formal review comparable to those to which faculty members on 3-year contracts are subject.”

Recommendation

In keeping with the spirit of the proviso of the
NEW YORK UNIVERSITY GUIDELINES FOR FULL-TIME NON-TENURE TRACK/CONTRACT
FACULTY APPOINTMENTS

IV. HIRING, REAPPOINTMENT, PROMOTION AND PERFORMANCE ASSESSMENT

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Hiring Plan and Process

a. Duration of Contracts:

“Thus, wherever possible, schools are encouraged to reduce reliance on one-year contracts. However, in addition to providing schools with an essential degree of flexibility, one-year contracts are programmatically and academically desirable in a number of schools and academic programs within schools, and can be justified accordingly.”

Consider specifying that if a FTNTT/CF member appointed on successive one-year contracts successfully completes the three-year review, he or she may be eligible for a three-year contract.

Minor Editorial Recommendations

1. Appendix A is missing. Should Appendix B be Appendix A, and should Appendix C be Appendix B?

2. III. Titles and Terms of Employment

B. Terms of Employment

First Sentence After Bullet List

Page 3

“In accordance with University Bylaw 87(b), Contracts and Titles, the appointment of FTNTT/CF automatically terminates at the close of the period of time stipulated in the contract, unless there is an official notice of renewal.”

Recommendation

To be consistent with the terminology used in the University Bylaws, change “Bylaw 87(b)” to “University Bylaws, Section 87(b)”.

3. III. Titles and Terms of Employment

D. Participation in CUSP's Governance

Page 4

“In accordance with Bylaw 82(c), Faculty Membership, College and School Governance, the FTNTI/CF of CUSP may hold their own faculty meetings and may participate in joint meetings with CUSP's tenured/tenure track faculty, whose primary appointments reside in an NYU school or college.”

Recommendation

To be consistent with the terminology used in the University Bylaws, change “Bylaw 82(c)” to “University Bylaws, Section 82(c)”.

4. III. Titles and Terms of Employment

Hiring, Reappointment, and Promotion

First Paragraph
Second Sentence
Page 4

“Thus, each FTNTI/CF appointment and reappointment shall be evaluated in the light of the contribution it makes to the distinct excellence of CUSP including its educational and research programs, and shall exemplify the university's commitment to appoint and retain the best faculty in all disciplines.”

Recommendation

Add a “,” after “CUSP”

5. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
First Paragraph
Second Sentence
Page 4

“The process shall be conducive to insuring that candidates for reappointment and promotion exhibit the highest level of performance and achievement - whether in teaching, or traditional research and scholarship.”

Recommendation

Replace “insuring” with “ensuring”

6. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Second Paragraph
Third Sentence
Page 4

“In the event of a decision to not reappoint, the contract faculty member shall be notified of the intention to not reappoint no later than August 31st of the penultimate year, and shall continue to be under contract for the final year.”

Recommendation

Replace both instances of “to not reappoint” with “not to reappoint” so as not to split the infinitive.

7. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Third Paragraph
Page 4

“The review of FTNTT/CF member with an appointment of three years or more that terminates on August 31 begins in the penultimate year of the appointment and aspires to follow the general time line below, which may vary on a case-by-case basis):

Recommendation

Add an “a” before “FTNTT/CF” and remove the “)” before the “:”

8. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
B. Reappointment for Three-Year Contracts.
Sixth (last) Paragraph
page 5

“In addition to formal reviews at the time of potential reappointment, each FTNTT/CF member on a three-year contract shall annually submit to his/her cognizant Deputy Director an activity report, using an activity report form, which will shall be provided to each FTNIT/CF member 30 days in advance of its due date.”

Recommendation

Remove either “will” or “shall” from “... which will shall be provided ...”

9. III. Titles and Terms of Employment
Hiring, Reappointment, and Promotion
D. Eligibility for Rank and Promotion..
Page 6

Recommendation

Insert “Clinical” before all instances of “Assistant”, “Associate”, “full Professor”. Capitalize “full” before “Professor”.