



Date: February 23, 2017

Memorandum to: Katherine Fleming, Provost

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

Subject: T-Faculty Senators Council Review: NYU Shanghai Guidelines for C-Faculty

At the February 23, 2017 meeting of the T-Faculty Senators Council, the attached recommendations regarding the NYU Shanghai Guidelines on the Full-Time Continuing Contract Faculty Review Process for Reappointment and Promotion were approved.

cc: Joanna Waley-Cohen, Provost NYU Shanghai
Daniel Magida, Associate General Counsel
Carol Morrow, Vice Provost
Peter Gonzalez, Assistant 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

TFSC recommendations 2-20-2017

NYU Shanghai

**GUIDELINES ON THE FULL-TIME CONTINUING CONTRACT FACULTY REVIEW PROCESS FOR
REAPPOINTMENT AND PROMOTION**

Effective Date: September 1, 2016 (DRAFT- AUGUST 3)

1. INTRODUCTION

2. REVIEW PRINCIPLES

3. REVIEW PROCESS FOR REAPPOINTMENT

4. REVIEW PROCESS FOR PROMOTION

5. GRIEVANCE PROCEDURE

{00075415.43}

1. Introduction

Full-Time Continuing Contract Faculty represent a distinct and vital part of NYU Shanghai's academic community and contribute significantly to NYU Shanghai's academic and service missions. Policies applicable to Continuing Contract Faculty, including these Guidelines, reflect the contributions they make to NYU Shanghai's commitment to academic excellence, traditional research, other forms of scholarly and artistic achievement, and service while also embodying NYU Shanghai's goal of requiring exceptional teaching and service.

The purpose of these Guidelines is to **outline** the policies and procedures governing the appointment, review, reappointment and promotion of full-time, continuing contract faculty (referred to herein as Continuing Contract Faculty). Full-Time Continuing Contract Faculty are contract faculty who are not Tenured/Tenure Track faculty and who: (1) have full-time appointments at NYU Shanghai; (ii) have titles or appointments that do not prohibit indefinite contract renewals (although promotion may be required for renewal); and (iii) are not visiting faculty (including faculty who have tenure or are tenure track at another institution and persons who are on leave from another institution). Continuing Contract Faculty at NYU Shanghai may have the titles set forth in Appendix A. These Guidelines were drafted to embrace the spirit and values reflected in the New York University Guidelines for Full-Time Continuing Contract Faculty Appointments.

1.RECOMMENDATION (Minor): Consider replacing with "establish"

2.RECOMMENDATION (Substantive): Add description of CCF and other faculty involvement in the process of developing/reviewing the C-FSC guidelines and the formal documentation of their involvement through faculty vote. If that did not occur, suggest a review and vote be taken prior to approval of these guidelines.

3.RECOMMENDATION (Substantive): The provost cover letter indicates that because of the early developmental stage of NYU Shanghai and the limited number of faculty these guidelines are likely to change in the future. Suggest specifying the process for future revision of the guidelines and process for faculty input through discussion and voting (ie timeline for review of proposed amendments, process for obtaining feedback).

Rights and Responsibilities. Continuing Contract Faculty have the following responsibilities: teaching including, but not limited to, classroom instruction and student advising; service, including, but not limited to, program and committee responsibilities; the avoidance of conflicts of interest; and other responsibilities as set forth in the faculty member's employment contract with NYU Shanghai. Continuing Contract Faculty have the following rights: academic freedom, access to health care benefits, retirement benefits, and leaves of absence. Voting rights at NYU Shanghai are extended to Continuing Contract Faculty in accordance with the guiding principles and policies of the NYU Shanghai Faculty Council and the New York University Bylaws.

4.RECOMMENDATION (Substantive); Consider including teaching load.

Participation in NYU Shanghai Governance. Continuing Contract Faculty may hold their own faculty meetings and may grant rights of attendance and voting privileges to other categories of faculty of the school, as it determines; and may participate in joint meetings with tenured/tenure track faculty. **Continuing Contract Faculty may be represented on NYU Shanghai governance bodies and included on appropriate committees,** except for those involving tenure decisions or those otherwise set aside by the New York University Bylaws as falling within the exclusive domain of tenured and tenure track faculty.

5.RECOMMENDATION (Substantive); Specify how CCF will participate in NYU Shanghai school-wide governance (i.e. nominations by whom, elected or appointed) and what the voting rights for CCF on school wide governance bodies will be.

Transfer to Tenured or Tenure Track Appointments. While not prohibited, Continuing Contract Faculty appointments are not normally convertible to a tenure track appointment. In rare cases, and then only with approval of the Provost of NYU Shanghai, a non-tenure track position may be converted into a tenure track position for which the incumbent is eligible to apply within the search process. In these rare cases, conversion of a non-tenure track position into a tenure track position will not foreshorten an existing contract duration as could occur, for example, if the conversion occurred before expiration of an existing contract and the faculty member was not selected for the tenured or tenure track position. In cases where the incumbent is not selected for the tenure track position, he or she will remain in employment until the expiration of the existing contract and will be eligible for contract renewal or promotion following the review procedures set out by these Guidelines.

Future Amendments Any amendment to these Guidelines must be in writing and must be approved by the Provost of NYU Shanghai, who will consult with the NYU Shanghai Faculty Council, and the Provost of NYU. As with all NYU Shanghai policies, these Guidelines, or any provision hereof, are subject to change and the policies in effect at the time of an action will apply to that action.

2. Review Principles

These Guidelines apply to all appointments, reappointments and promotions, subject to the terms of the employment contract between the faculty member and NYU Shanghai and the laws of the People's Republic of China (PRC).

All appointments, including initial appointments and re-appointments, and promotions require the prior written authorization of the Provost of NYU Shanghai.

Teaching performance is prioritized for reappointment, and contract faculty are expected to adhere to the highest levels of performance and commitment to NYU Shanghai and the highest standards of excellence in their fields. Specifically, they should demonstrate evidence of excellent teaching performance, as reflected by a combination of academically rigorous course content, teaching in courses of value to the school, pedagogical innovation, supervision of student portfolio work/research/independent study, formal assessments of teaching effectiveness (e.g. class observation), and student evaluations; and excellence in performance of other duties specified in the employment contract.

6. RECOMMENDATION: To support continued excellence in teaching and pedagogical innovation provide opportunities for and funds for growth of continuing contract faculty.

Continuing Contract Faculty are expected to be **fully engaged** at NYU Shanghai to help build and strengthen the school, and to make meaningful service contributions in their department and/or NYU Shanghai; such activities may include serving on committees, advising and mentoring students, administrative program management and oversight, attending school events, setting up labs, and other responsibilities as designated by the Provost of NYU Shanghai, the relevant NYU Shanghai Dean and/or Program Director. Service outside NYU Shanghai that supports its mission is also encouraged, consistent with the Policy on Academic Conflict of Interest and Conflict of Commitment.

7.RECOMMENDATION (Substantive) : Suggest clarification with some more description of what “fully engaged “ means as that can be subjective.

TFSC recommendations 2-20-2017

Continuing Contract Faculty are welcomed to contribute to NYU Shanghai's overall research portfolio and professionalism through research projects in their field, professional development, publications, conference attendance, and related activities. While scholarship and practice in the arts or professional fields are highly valued, these are not required for reappointment or promotion, except as set forth in the faculty member's employment contract.

Continuing **Contract Faculty normally are appointed for a period of three to five years**. In certain limited circumstances, including but not limited to, at the faculty member's request or to address a specific academic need, Continuing Contract Faculty may be appointed for a period of one or two years. Continuing Contract Faculty may be reappointed and, in the event they are, the reappointment will be governed by a new contract the length of which is to be determined by the relevant NYU Shanghai Dean or Program Director following consultation with the Provost of NYU Shanghai.

8.RECOMMENDATION (Substantive): In the case of a one year appointment, the Dean or Program Director will provide a written justification to the Provost.

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

Continuing Contract Faculty on multi-year contracts may be reappointed following the completion of the review process outlined below.

i. For Continuing Contract Faculty on an initial contract of three or more years, the review process for reappointment will take place (a) in the first semester of the final year of the contract, and the faculty member will be notified as to reappointment by no later than the end of first semester of the final year of the contract (i.e., December 31st, in most cases), or (b) if requested by the faculty member and subject to the approval of the Provost of NYU Shanghai in his or her discretion, in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the final semester of the penultimate year of the contract (i.e., May 31st, in most cases). ii. For Continuing Contract Faculty on a contract of three or more years following a one or two-year contract or on a contract of three or more years following an initial or subsequent contract of three or more years, the review process for reappointment will take place in the final semester of the penultimate year of the contract, and the faculty member will be notified as to reappointment by no later than the end of the final semester of the penultimate year of the contract (i.e., May 31st, in most cases).

TFSC recommendations 2-20-2017

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

In addition to certain leaves of absence (e.g. maternity and medical leaves), the Provost of NYU Shanghai may in exceptional cases approve faculty requests for a deferral, delay or extension in the review process. A request for deferral must be formally submitted to the relevant NYU Shanghai Dean or Program Director and the Provost of NYU Shanghai at least one month prior to the beginning of the review process.

These Guidelines are intended to ensure the distinct excellence of NYU Shanghai's educational programs. **A faculty member's eligibility to be considered for reappointment does not create a presumption in favor of reappointment, even if the faculty member has met or exceeded the expectations set out in the contract.** Should NYU Shanghai elect to conduct a search for a new position, the faculty member in question may apply as a candidate in the new search. That faculty member may also request a review for purposes of career development, and such review will be conducted within a time framework agreed upon by the faculty member and the relevant NYU Shanghai Dean or Program Director.

9. RECOMMENDATION (Substantive): This statement need clarification or should be deleted as it implies an arbitrary process of decision making about an employee who has performed in accordance with the contract ("has met or exceeded expectations").

In connection with reviews for reappointment and promotion of Continuing Contract Faculty on a contract of three or more years, these Guidelines will include, or NYU Shanghai will make available (in print and/or on the faculty portal):

i. Statement of the academic criteria in the areas of teaching, program development, research (where appropriate), the creative and performance arts (where appropriate), and department and school service.

ii. Statement of the criteria of assessment in effect at the time.

iii. Calendar for reviews and communication to faculty members that accords fair and timely notice of a review to take place and of its outcome. Adequate notice for individuals to pursue alternative employment in the event of a negative decision;

In addition to reviews at the time of potential reappointment, Continuing Contract Faculty on a contract of three or more years must submit annually to the relevant NYU Shanghai Dean or Program Director an activity report, comparable in scope to reports required of tenured/tenure track faculty but as appropriate for Continuing Contract Faculty appointments and whose format will be designed in accordance with NYU Shanghai policy as in effect at that time. **In addition, NYU Shanghai may carry out formal performance assessments from time to time in the course of multi-year appointments that are longer than three years.**

10. RECOMMENDATION: This statement needs clarification or deletion as it creates the possibility of an arbitrary ad hoc review of an employee's performance not consistent with university guidelines.

3. Review Process for Reappointment

The review process for reappointment commences when a candidate for reappointment submits his or her docket for review to the relevant NYU Shanghai Dean or Program Director in accordance with the timeline in Appendix B.

Docket. Each program or area may determine, with approval from the Provost and relevant Dean or Program Director, the exact make-up of the reappointment docket, as appropriate to the specific area or discipline. Normally, dockets should include:

- i. Summary of most salient accomplishments in the areas of review, including teaching philosophy, strategies, and goals; administrative responsibilities; and service to NYU Shanghai. This summary should normally not exceed 2-3 pages in length and in no case should it exceed 5 single spaced pages.
- ii. Current CV
- iii. Demonstration of teaching effectiveness (e.g., faculty course evaluations, peer observations of teaching, formal assessments of teaching effectiveness, syllabi or URL, and other relevant documents).
- iv. Demonstration of service to the NYU Shanghai community (e.g. curriculum development, faculty governance, student mentoring, etc.).
- v. Where appropriate, summary and demonstration of scholarship, research, creative productions, performances, and professional development.

TFSC recommendations 2-20-2017

vi. A faculty member is encouraged to include any additional evidence that he or she believes bears on the case for reappointment or promotion, not otherwise identified above.

Faculty Review Committee.

i. The relevant NYU Shanghai Dean, in consultation with the Program Director (when applicable), appoints an ad-hoc faculty review committee (FRC), which consists of three or five faculty members from the ranks of both the tenured and contract faculty.

11.RECOMMENDATION: As NYU Shanghai increases the size of the faculty consider election of faculty review committees in future revision of these guidelines.

ii. In conducting the review, it is the responsibility of the FRC to uphold the highest principles of professional responsibility, fairness, confidentiality, and non-discrimination.

iii. The FRC is normally composed entirely of faculty of greater rank (whether tenured, tenure track or Continuing Contract Faculty) than the candidate, except in the case of a faculty member at the full rank of professor when all members will be of rank at least of Professor. Typically, the majority of the FRC members are from the same academic discipline as the candidate.

12.RECOMMENDATION: Inclusion of at least one contract faculty member of appropriate rank in the review committee. A majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot.

iv. Insofar as is possible, at least one member of the committee must be an NYU Shanghai faculty member. Other members may be drawn from faculty across New York University's global network.

v. The relevant NYU Shanghai Dean or Program Director forwards the docket to the FRC, which assesses the docket.

vi. The FRC formulates a recommendation on reappointment typically no later than two months from the start of the review process and submits its written recommendation to the relevant NYU Shanghai Dean or Program Director.

13. RECOMMENDATION: Suggest adding: The review may be written by one or more members 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.

14. RECOMMENDATION: A majority vote of the Reappointment Committee and the Promotion Committee shall be required for a successful review for a recommendation for reappointment or promotion, and that all votes of both Committees shall be by secret ballot.

NYU Shanghai Dean/Program Director and Provost of NYU Shanghai.

- i. The relevant NYU Shanghai Dean or Program Director reviews the recommendation of the FRC and submits his or her recommendation to the Provost of NYU Shanghai who makes a decision on reappointment.
- ii. In formulating his or her recommendation or decision, as the case may be, the relevant NYU Shanghai Dean or Program Director and Provost of NYU Shanghai may seek additional information, including, but not limited to, student evaluations of teaching, internal letters of review of the candidate's teaching, and service contributions.
- iii. The relevant NYU Shanghai Dean or Program Director then conveys the decision on reappointment to the candidate and, if a negative decision, the basis for such decision.

4. Review Process for Promotion

- i. The process for promotion is initiated by the candidate who confirms his/her eligibility for promotion with the relevant NYU Shanghai Dean or Program Director.
- ii. Normally, an assistant or lecturer title becomes eligible for promotion to associate or senior title after at least six years at the rank at which he/she is hired. A candidate becomes eligible for promotion to full professor after at least three years at the rank of associate professor.
- iii. A faculty member may submit a request for early promotion to the relevant NYU Shanghai Dean or Program Director, but will be granted only under extraordinary circumstances. It is not normally in the best interest of a candidate or of the institution to propose candidates for promotion ahead of schedule.

iv. The review process for promotion is the same as the review process for reappointment **outlined** in Section 3 above and typically takes place in conjunction with reappointment.

15. RECOMMENDATION (minor): Consider preplacing with indicated, described, or specified

v. Promotion is granted by the Provost of NYU Shanghai on the recommendation of the relevant NYU Shanghai Dean or Program Director to candidates based on the following factors: distinguished professional accomplishments, an outstanding teaching record, and years served in previous institutions (if applicable).

vi. A negative decision for promotion does not preclude continuation/renewal of an employment contract or appointment.

vii. A negative decision for promotion will not affect the candidate's current employment contract or appointment.

5. Grievance Procedure

Continuing Contract Faculty who are (i) on multi-year contracts, eligible for reappointment and subject to a review process to determine whether they are to be reappointed or (ii) eligible for promotion, may appeal non-reappointment or denial of promotion, as the case may be. Grievances are limited to the following two grounds: (i) proper procedures were not followed in reaching the decision; and/or (ii) the decision or process violated the academic freedom of the faculty member.

Informal Settlement. All grievances are expected to be settled informally by the relevant NYU Shanghai Dean or Program Director. Within 15 business days of receipt of a grievance by the relevant NYU Shanghai Dean or Program Director, the faculty member will meet privately with the relevant NYU Shanghai Dean or Program Director to reach an informal resolution.

Provost of NYU Shanghai and NYU Shanghai Grievance Committee. In the event that the grievance is not settled informally, the faculty member may appeal to the Provost of NYU Shanghai to convene the NYU Shanghai Grievance Committee, appointed in accordance with the NYU Shanghai Shared Governance Guidelines, within 15 business days of receipt by the Provost of NYU Shanghai of written notice of the faculty member's appeal. For grievances brought by a member of the Continuing Contract Faculty, the NYU Shanghai Grievance Committee will be expanded to include at least one senior member of the Continuing Contract Faculty, if a senior member of the Continuing Contract Faculty is not already on the faculty appointed Grievance Committee. In the event that the Provost of NYU Shanghai does not

TFSC recommendations 2-20-2017

convene the NYU Shanghai Grievance Committee within said time, the faculty member has the right to bring it to the attention of the Provost of NYU. The NYU Shanghai Grievance Committee will provide its recommendation to the Provost of NYU Shanghai within 30 business days of the convening of the committee.

The NYU Shanghai Grievance Committee does not judge the professional merits of the case and only considers the appeal based on the grounds specified above. After deliberation, the NYU Shanghai Grievance Committee advises the Provost of NYU Shanghai of its recommendation. The Provost of NYU Shanghai reviews the NYU Shanghai Grievance Committee's recommendation and all pertinent information and notifies the faculty member and the NYU Shanghai Grievance Committee in writing of his/her decision, together with reasons therefore.

Provost of NYU. If the decision of the Provost of NYU Shanghai is not satisfactory to the faculty member, he or she may, within 15 days of receipt of the Provost of NYU Shanghai's decision, appeal in writing to the Provost of NYU (or his/her designee) specifying all grounds for and materials in support of the appeal. Where such an appeal is made, the Provost of NYU Shanghai will transmit to the Provost of NYU a report of the proceedings in the case at its earlier stages. The Provost of NYU will decide the case, and notify the grievant and the Provost of NYU Shanghai. If the advice of the latter is not followed, the reasons will be reported with the decision. The decision of the Provost of NYU is final and subject to no further review.

TFSC recommendations 2-20-2017

Appendix A: Continuing Contract Faculty Titles

Continuing Contract Faculty at NYU Shanghai may have the following titles and ranks:

- Arts and Music (Arts Professor, Associate Arts Professor, Assistant Arts Professor)
- Clinical (Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, Clinical Instructor)
- Instructor/Lecturer Titles Related to the Teaching of Language (Instructor of Chinese Language, Senior Language Lecturer, Language Lecturer)
 - Lecturer (Senior Lecturer, Lecturer);
 - Practice (Professor of Practice, Associate Professor of Practice, Assistant Professor of Practice)
 - Research (Research Professor, Associate Research Professor, Assistant Research Professor)
 - On rare occasion, Continuing Contract Faculty may have the title of Professor.