

# **TANDON SCHOOL OF ENGINEERING GUIDELINES FOR FULL-TIME CONTINUING CONTRACT FACULTY: APPOINTMENT, REAPPOINTMENT, PROMOTION AND GRIEVANCE PROCEDURES, AND VOTING RIGHTS**

November 15, 2017

## **I. INTRODUCTION**

This document identifies the policies and procedures governing the appointment, review, reappointment, promotion, grievance, and voting rights of Full-Time Continuing Contract Faculty (CCF). As with all NYU policies, these guidelines are subject to change; it is the policies in effect at the time of the action that apply. This policy implements the University Guidelines for Full-Time Continuing Contract Faculty Appointments, Grievance Procedures, and Disciplinary Regulations and the general principles set forth therein. If any part of this Policy is found to be inconsistent with NYU policies, the NYU policies then in effect will take precedence.

As articulated in the University Guidelines for Full Time Continuing Contract Faculty Appointments:

“Appointment processes for Continuing Contract 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.”

## **II. SCOPE**

Continuing Contract Faculty titles include:<sup>1</sup>

- Industry Assistant, Associate, and Full Professors: A full-time faculty member with relevant professional or industry experience.
- Lecturer, Senior Lecturer: A full-time faculty member whose primary responsibility is teaching.

Continuing Contract Faculty positions are non-tenure and are typically multi-year. Duties are primarily teaching. Additional duties may vary with individual appointments. Continuing Contract Faculty may also participate in University service and program development. These guidelines apply to Continuing Contract Faculty as they are defined in NYU Bylaw 87.

## **III. APPOINTMENT AND REAPPOINTMENT**

All initial appointments and reappointments of Continuing Contract Faculty are made by the Dean following the recommendation of the Department Chair and the department appointment or reappointment committee. The initial appointment letter and any reappointment letters from the Dean shall define the initial salary and term of appointment, as well as the expected duties

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<sup>1</sup> Criteria for initial appointment and promotion to various ranks are included in Appendix A.

of the appointee. While initial appointments may be limited to one or two years, reappointment terms of three years for Assistant and Associate Industry Professors and Lecturers, and five years for Industry Professors and Senior Lecturers may be appropriate. The Dean will provide a rationale to the Provost for any one-year appointments as part of the annual faculty hiring plan. In general, the reappointment period will not be reduced at the time of reappointment, except in exceptional circumstances.

Continuing Contract Faculty are involved in the initial faculty appointment process through participation in search committees, participation in the interview process, and/or consultation on candidates. The specific roles of Continuing Contract Faculty in the faculty appointment process vary by academic department.

Continuing Contract Faculty should be provided with advance notice of reappointment decisions as follows:

- An individual with an existing contract of one-year duration will be notified of the reappointment decision in the first calendar month of the final semester of the appointment. The term of reappointment will commence immediately upon the expiration of the existing term. If a reappointment is not offered, the individual's existing contract will terminate on its expiration date.
- An individual with an existing contract of more than one year will be notified of the reappointment decision one year before the expiration of the appointment. The term of reappointment will commence immediately upon the expiration of the existing term. If reappointment is not offered, the individual's existing contract will terminate on its expiration date.

#### **IV. REAPPOINTMENT REVIEW**

**Statement of principles.** Each reappointment beyond the third year of continuous service requires a formal review. The process for this review shall be conducive to ensuring that each candidate for reappointment ("Candidate") exhibits the highest level of performance and achievement in his or her assignments, whether in teaching, research, scholarship or in other duties. Review for reappointment shall consider curricular and structural changes in academic programs.

**Review process.** This process distinguishes between reappointments up to three years of continuous service and beyond three years of continuous service.

##### **A. Contracts Continuing Beyond the Third Year of Continuous Service from Initial Appointment.**

The review shall begin in the first semester of the penultimate year of the current appointment and shall proceed as follows:

- A reappointment committee will be formed in each department to which a Candidate is assigned, which committee is advisory to the Department Chair(s) and Dean. The committee shall include two or more members, including at least one tenured faculty member and at least one Industry Professor or Senior Lecturer. The Department Chair of the department in which the Candidate's primary appointment resides shall appoint one member of the committee as chair.

- The reappointment committee will review the dossier from the Candidate and prepare a written report. The report will summarize and evaluate the evidence of accomplishment, noting areas that require improvement. The report should make a recommendation as to reappointment and length of reappointment. The report may be written by one or more members of the reappointment committee, but all members of the committee should read the report before it is submitted to the department. The 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 of opinion, the minority opinion should be appended to the majority review.
- The review should assess:
  - Teaching: Whether the Candidate demonstrates high quality in all aspects of teaching (e.g., syllabus design; current knowledge of subject; assignments and examinations; classroom teaching; supervision of theses and independent studies; mentoring and guidance of students; and encouragement of innovation, invention and entrepreneurship.) Excellence in teaching is the primary review criteria for Continuing Contract Faculty whose primary duties are teaching.
  - Service: Whether the Candidate demonstrates responsibility in conducting department, school, and university service.
  - Research and Scholarship (where appropriate): Whether the Candidate demonstrates innovation, quality, and impact in research and scholarship.
  - Creative and Performance Arts (where appropriate): Whether the Candidate demonstrates innovation and impact in conducting creative and performance arts.

Criteria for the review should reflect specific job duties as outlined in the Candidate's letter of appointment. The Department Chair should also consider the continued relevance of the appointment in terms of curricular and other needs, in recommending reappointments. Curricular or structural changes to a program do not automatically mean a denial of reappointment. In the case of changes to curriculum or program structure, the reappointment review will also focus on whether the Candidate would be able to teach in the revised curriculum and/or new academic structure and if so, in what capacity.

**Materials for the reappointment review.** The Candidate should prepare a dossier that includes:

- A current CV;
- Copies of annual Faculty Activity Reports for the current appointment term;
- All student course evaluations for the current appointment term;
- Course syllabi for courses taught for the current appointment term; and
- Written reports from observations of classroom teaching by other faculty members, in departments where teaching observations are conducted.

**Process for department evaluation.** The reappointment committee will prepare a written report for the voting faculty in the department, to be distributed to the voting faculty in advance of discussion and voting.

Voting faculty in the departments include tenured faculty, Industry Professors, Industry Associate Professors and Senior Lecturers. Industry Professors and Senior Lecturers vote on reappointments for Industry Assistant Professors, Industry Associate Professors, and Lecturers

only. Industry Associate Professors vote on reappointments for Industry Assistant Professors and Lecturers only. Tenured professors vote on reappointments for Industry Professors, Associate Professors, and Assistant Professors, and for Senior Lecturers and Lecturers.

The formal vote of the voting faculty must be by secret ballot. The Department Chair will complete and submit the Continuing Contract Faculty Review and Reappointment Recommendation Form and the faculty vote to the Dean's office, after receiving the report from the reappointment committee and the vote from voting faculty. The Review and Reappointment Recommendation Form will be signed by both the Department Chair and the Candidate before it is submitted. The Department Chair will also submit his or her own recommendation for or against reappointment. The recommendations of the review committee, the voting faculty and the Department Chair are all advisory to the Dean.

The Department Chair will provide a copy of page 1 of the Continuing Contract Faculty Review and Reappointment Recommendation Form (see Appendix B) to the Candidate while maintaining the confidentiality of the process. The Candidate will be notified in writing of the Dean's decision.

#### B. Contract Not Continuing beyond the Third Year of Continuous Service from Initial Appointment.

Continuing Contract Faculty appointed for a second or third year of continuous service pursuant to a one or two-year contract, respectively, shall be required to undergo the review process described in (A) at the time when they have accumulated three or more years of continuous service and are scheduled for reappointment review.

### **V. PROMOTION**

**Statement of principles.** Promotion requires a formal review process. The process shall be conducive to ensuring that candidates for promotion exhibit the highest level of performance and achievement, whether in teaching, research, scholarship, service or in other duties. Review for promotion shall consider curricular and structural changes in academic programs.

**Review process.** Continuing Contract Faculty who wish to be considered for promotion are encouraged to discuss the process with their respective Department Chairs. Candidates seeking reappointment and promotion may be reappointed without promotion.

The Department Chair will form a promotion committee, which may be the same as the reappointment committee and will be comprised of at least one tenured faculty member and at least one Continuing Contract Faculty member at or above the rank to which the candidate for promotion has applied.

The primary criterion for promotion is excellence in teaching, except in cases where the primary job includes other duties. The review may also consider service, research and scholarship (where appropriate), and creative and performance arts (where appropriate). These criteria are described in Appendix A.

**Materials for the promotion review.** The Candidate should prepare a dossier that includes:

- CV;
- Statement of teaching and service (and research/scholarly activities and creative/

- performing arts, where appropriate);
- List of all courses taught since the previous promotion or initial appointment;
- Copies of all student course evaluations since the prior promotion or initial appointment;
- Course syllabi for each course taught since the prior promotion or initial appointment;
- Written evaluation of classroom teaching observed by voting faculty, in departments where teaching observations are conducted.

**Process for department evaluation.** The promotion committee will review these materials and prepare a written report for the voting faculty to be distributed to the voting faculty at least one week prior to voting. The report will summarize and evaluate the evidence of accomplishment, noting areas that require improvement. The report will include a recommendation as to promotion. The report may be written by one or more members of the promotion committee, but all members of the committee should read the review before it is submitted to the department. 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.

Voting faculty in the departments for promotions include tenured faculty, Industry Professors, Industry Associate Professors and Senior Lecturers, except Industry Associate Professors do not vote on promotion to Industry Professor or Senior Lecturer. Only tenured professors vote on promotion to the rank of Industry Professors and Senior Lecturers.

The formal vote of the voting faculty must be by secret ballot. The report of the promotion committee and the vote by voting faculty are advisory to the Department Chair and the Dean. The Chair 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.

Candidates will be notified in writing of the outcome of the Dean's decision.

## VI. GRIEVANCE

This document provides the following:

- The procedures to be followed when a faculty member wishes to resolve a grievance under the bylaws of New York University ("NYU") and Tandon School of Engineering; and
- The membership and role of the School of Engineering Faculty Grievance Committee.

This document supplements and is meant to be compatible with the Faculty Grievance Procedures detailed in the NYU Faculty Handbook.

### A. INTRODUCTION

According to the [NYU Faculty Handbook](#), faculty grievances are classified into two main types:

- (1) Those connected with appointment, reappointment, promotion, or tenure; and
- (2) Those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

## **B. BASIS FOR GRIEVANCE**

With respect to grievances related to reappointment and promotion, a grievance must allege:

- (a) That the procedures used to reach the decision were improper, or that the case received inadequate consideration; or
- (b) That the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant.

With respect to grievances related to other matters, a grievance must allege:

- (a) That the procedures used to reach the decision were improper, or that the case received inadequate consideration; or
- (b) That the decisions violated the academic freedom of the faculty member in question, in which case the burden of proof falls to the grievant.

## **C. CONTINUING CONTRACT FACULTY WHO ARE ELIGIBLE TO GRIEVE**

With respect to grievances related to reappointment and promotion: a Continuing Contract Faculty member 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 or the terms of reappointment or promotion; and they are entitled to grieve in the event they are denied reappointment without review for reasons other than elimination of the position. 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; and 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.

With respect to grievances related to other matters: all Continuing Contract Faculty, including faculty on one-year appointments, are eligible to grieve.

Additional information on faculty grievances may be found in the NYU Faculty Handbook.

## **D. PROCEDURE TO BE FOLLOWED WHEN A CONTINUING CONTRACT FACULTY MEMBER WISHES TO SEEK SETTLEMENT OF A GRIEVANCE**

- (1) The faculty grievance procedures described in this section will apply to all matter of grievances. Additional details about grievances are provided in the NYU Faculty Handbook section on Faculty Grievance Procedures for Continuing Contract Faculty.
- (2) 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 convene the grievance committee of the School of Engineering. The University procedures make it clear that the Dean alone has the right to summon the School of Engineering Faculty Grievance Committee to hear grievances. This provision is intended

to regularize a practice generally followed in the past and one that underscores a traditional function of the Dean, who should seek to resolve or mediate any faculty grievances in the first instance. However, if after consultation with the Dean a faculty member does not receive satisfaction, then the faculty member may appeal to the Dean to convene the School of Engineering Faculty Grievance Committee to consider the case within fifteen (15) days after the Dean receives written notification from the faculty member of the lack of satisfaction.

- (3) Procedures for the Faculty Grievance Committee include the following provisions.
  - The function of the committee is to advise the Dean by reviewing the case and making a recommendation to the Dean.
  - The first role of the Committee is to act as fact-finder. The second role is to make a recommendation for action, if appropriate.
  - The Committee has no authority to substitute its judgment for another body with respect to professional evaluation; rather, the issues that may be grieved are as defined above in part B ("Basis for Grievance").
- (4) The School of Engineering Faculty Grievance Committee will hear evidence and report to the Dean in writing on its findings of fact and on its opinion of a fair disposition of the case. In addition, within fifteen days after the Dean has requested that the School of Engineering Faculty Grievance Committee consider a case, the Grievance Committee must do one of the following:
  - Deliver in writing its findings of fact and its opinion of a fair disposition of the case, or
  - Inform the Dean in writing that they are unable to deliver a report within fifteen days and provide a reasonable schedule for delivery of the findings of fact and opinion on a fair disposition of the case. The Faculty Grievance Committee must make every effort to complete its consideration of a case in an expeditious manner.
- (5) Within fifteen days of receiving the written report from the Grievance Committee, the Dean will inform the grievant in writing of his or her decision and include a copy of the School of Engineering Faculty Grievance Committee Report. If the Committee's report is accepted by both the grievant and the Dean, the matter shall be considered settled. However, if the Dean denies any findings of fact or refuses to implement suggestions made by the Committee as a part of its 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.

## **E. APPEAL FROM A DEAN'S DECISION ON REAPPOINTMENT OR PROMOTION**

- (1) Appeals from the Dean's decision can be made only on the following grounds: a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration; or b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on the faculty member.
- (2) The procedure that must be used for making such an appeal is the following:
  - (a) The faculty member intending to make an appeal shall indicate such intention in writing to the Provost, specifying all grounds for and materials in support of the appeal within fifteen days after receiving written notification of the Dean's decision. An exception to

this process or timeline may be made only with the consent of the grievant, the Dean and the Provost.

- (b) Where such an appeal is made, the Dean shall transmit to the Provost a report of the proceedings in the case at earlier stages. The Provost shall in each case obtain the advice of an ad hoc advisory committee—the Continuing Contract Faculty Senators Council Faculty Grievance Committee—which is composed of one member drawn from the C-FSC Grievance Committee, one member drawn from the T-FSC Grievance Committee, and one senior administrator who is a continuing contract faculty member chosen by the Chair of the C-FSC.
- (c) The Continuing Contract Faculty Senators Council Faculty Grievance Advisory Committee shall hold a hearing and shall complete its deliberations and notify the Provost of its recommendations.
- (d) The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed or whether the grievant's academic freedom has been violated. Evidence that a decision appealed from is so arbitrary that it has no rational foundation may be considered on the issue of "inadequate consideration."
- (e) After receiving the advice of the Continuing Contract Faculty Senators Council Faculty Grievance Committee, the Provost shall decide the case and notify the grievant, the Dean, and the Chairperson of the Continuing Contract Faculty Senators Council Faculty Grievance Committee. If the advice of the latter is not followed, the reasons shall be reported with the decision. The decision of the Provost is final and subject to no further review.

#### **F. APPEAL FROM A DEAN'S DECISION ON MATTERS SUCH AS DUTIES, SALARIES, PERQUISITES, AND WORKING CONDITIONS**

Where an appeal from a Dean's decision is desired by a faculty member and the Provost is so informed within 15 days after the faculty member is notified of the Dean's decision, the Provost shall make informal procedures available. Appeal from a Dean's decision can only be made on the same grounds as in (B) above.

#### **G. THE COMPOSITION AND ROLE OF THE SCHOOL OF ENGINEERING FACULTY GRIEVANCE COMMITTEE**

The School of Engineering Faculty Grievance Committee is a standing committee of the Faculty. It consists of three tenured full Professors elected by the voting members of the School of Engineering faculty and two elected Continuing Contract Faculty members who are either Industry Professors or Senior Lecturers. The Continuing Contract Faculty members will be elected by the Faculty as part of the regular committee elections. Faculty holding administrative positions at the rank of department chair or higher are excluded from the committee. The Continuing Contract Faculty members shall participate in hearing and evaluating only those grievances that are filed by Continuing Contract Faculty members.

The School of Engineering Faculty Grievance Committee has two basic functions:

- To recommend to the Faculty for action proposals related to the grievance procedure.

- When it is convened by the Dean, to study a grievance and to report to the Dean in writing its findings of fact and its opinion on the suitable disposition of each case.

As a standing committee of the Faculty, it must regularly report to the faculty on the number of cases heard or currently under study and the ultimate disposition of such cases (for example, amicably settled, on appeal to the Dean, or rejected by the Dean as recommended by the Committee report).

## **VII. VOTING RIGHTS OF CONTINUING CONTRACT FACULTY**

The NYU Tandon School of Engineering Faculty and its administrators will continue the prevailing practice of holding joint meetings of its tenured and tenure-track faculty and Continuing Contract Faculty.

### **Voting rights for Continuing Contract Faculty**

1. Voting members of the NYU Tandon School of Engineering Faculty are defined as: all tenured and tenure-track faculty, emeritus faculty, and all members of the Continuing Contract Faculty who have at least three years of continuing service and have been reappointed at least once.<sup>2</sup>
2. Following the prevailing practice, the Tandon School of Engineering Faculty will continue to meet as one body. The voting members will be able to vote on all matters that come to this Faculty body. However, upon request of any voting member and on any matter under consideration, the Faculty may separately poll and record the votes of the T-TT and emeritus faculty, and the voting Continuing Contract faculty. The results of these polls are advisory and intended to inform the voting faculty of the separate viewpoints and/or concerns of the two faculty groups.
3. The Faculty Executive Committee (FEC) is constituted by direct election of three members (Speaker, Speaker-Elect/Past-Speaker, and Secretary) and three additional members serve on the FEC by virtue of being elected as the Chair of the Financial Policies Committee and to the T-TT Faculty Senate with two highest votes. Two categories of faculty are eligible to run for the position of Speaker-Elect (eventually serving as the Speaker and Past Speaker): 1) T-TT faculty; and 2) those Continuing Contract Faculty who were previously granted individual voting rights. The Secretary position is open to all voting members of the Faculty.
4. In the election for the Tenure and Promotion Committee members, only the T-TT faculty are eligible to vote. For other committee positions requiring nominations and elections, all voting members are eligible to vote.

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<sup>2</sup> Continuing Contract Faculty are valued members of the Tandon Faculty. The industrial and other expertise they bring to the classroom broadens and enriches the learning experience of our students. However, most Continuing Contract faculty do not come from an environment in which they are steeped in the culture and nuances of a university environment. In addition, because the hiring process for Continuing Contract faculty is not as rigorous as for their tenure track colleagues it is the intention of this policy to award voting rights after three years of continuous service which will include a formal third year review described elsewhere.

Continuing Contract faculty will be represented in each of the following standing committees of the Faculty: Nominations and Elections Committee, Financial Policies Committee, Faculty Grievance Committee, and Student Affairs Committee. For each committee except the Faculty Grievance Committee, two T-TT faculty and one Continuing Contract faculty receiving the highest votes will be eligible to serve. For the Faculty Grievance Committee, two Continuing Contract faculty members and three T-TT faculty will be eligible to serve.

November 15, 2017

## APPENDIX A

### Guidelines for Title and Rank of Initial Appointment and Promotion of Continuing Contract Faculty

#### Industry Professors of Various Ranks

In general, Industry Assistant Professors are individuals with six or fewer years of professional and/or teaching experience. Industry Associate Professors are individuals with seven to twelve years of professional and/or teaching experience. Industry Professors are individuals with more than twelve years of professional and/or teaching experience.

In appointing individuals as Industry Assistant Professors, Industry Associate Professors, and Industry Professors, the following criteria should also be considered:

- academic degree;
- experience in teaching, professional practice, and/or research, including level of responsibility and past accomplishments;
- professional license;
- honors and awards; and
- significant professional and/or university service.

#### Lecturers and Senior Lecturers

Lecturers and Senior Lecturers are teaching faculty. Lecturers are individuals who typically have less than twelve years of teaching experience. Senior Lecturers typically have twelve or more years of teaching experience.

In appointing individuals as Lecturer or Senior Lecturer, the following criteria should also be considered:

- academic degree;
- experience in teaching, scholarly research and participation in scholarly societies, including level of responsibility and past accomplishments;
- honors and awards; and
- significant professional and/or university service.

These guidelines for initial appointment also serve as guidelines for promotion.