

## TENURE-TRACK FACULTY GRIEVANCE PROCEDURES NYU TANDON SCHOOL OF ENGINEERING<sup>1, 2</sup>

This document provides the following:

- Excerpt from the NYU Faculty Handbook on faculty grievances;
- The procedures to be followed when a faculty member wishes to resolve a grievance under the bylaws of New York University ("NYU") and by the Tandon School of Engineering (Tandon); and
- The makeup 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.

**Note: The numbers in square brackets found after this point refer to sections of the NYU Faculty Handbook under the Heading Faculty Grievance Procedures.**

### 1. EXCERPT FROM THE NYU FACULTY HANDBOOK

Faculty grievances are classified into two main types:

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

Although it may be preferable to treat all grievances as uniformly as possible, whatever the issue, those stemming from appointment decisions must be dealt with in a manner that conforms to the general appointment procedures. The initial protection for the faculty member is in the *Statement in Regard to Academic Freedom and Tenure* (see page 31 of the NYU Faculty Handbook) and the regulations and procedures on *Appointment and Notification of Appointment* (see page 37 of the NYU Faculty Handbook). It is expected that most grievance cases, particularly those concerned with matters such as duties, salaries, perquisites, and working conditions, will be settled within each school or faculty. The schools and faculties have wide latitude in establishing procedures to meet their needs.

In the case of all grievances, attempts shall be made to settle the dispute by informal discussions between the concerned parties, possibly with the assistance of mediators.

### 2. PROCEDURE TO BE FOLLOWED WHEN A FACULTY MEMBER WISHES TO SEEK SETTLEMENT OF A GRIEVANCE

- (1) **The faculty grievance procedure described in this document will apply to both types of grievances listed above. Additional details about grievances regarding tenure or promotion are also provided in the documents titled *Tenure and Promotion at the NYU Tandon School of Engineering*.**

(2) Faculty grievance procedures must begin with the Dean. The university procedures

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<sup>1</sup> Revised April 17, 2009. This document was updated April 1, 2017 for accuracy of names of the School, university, and titles only.

<sup>2</sup> Revised August 29, 2018 to include page numbers from NYU Faculty Handbook and to change title to TT Faculty Grievances. CC faculty grievance procedures are discussed in "Tandon Guidelines for Full-Time Continuing Contract Faculty."

make it clear that the Dean alone has the right to summon the School of Engineering Faculty Grievance Committee to hear a case [A-5]. This provision is intended to regularize a practice generally followed in the past and one which underscores a traditional function of the Dean, who should seek to resolve or mediate any differences between faculty members in the first instance. **However, if after consultation with the Dean the faculty member does not receive satisfaction, then the Dean must convene the School of Engineering Faculty Grievance Committee to consider the case within fifteen (15) working days after the Dean receives written notification from the faculty member of the lack of satisfaction [A-5].**

- (3) The School of Engineering Faculty Grievance Committee may decide not to consider the case, if they feel it is not within their purview to do so. If they decide to consider the case, the School of Engineering Faculty Grievance Committee will then 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 [A-5]. 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:
  - Inform the Dean in writing that they feel it is not with their purview to consider the case, or
  - Deliver in writing its findings of fact and its opinion of a fair disposition of the case [A-5], 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 [A-5]. The School of Engineering Faculty Grievance Committee must make every effort to complete its consideration of a case in an expeditious manner.
- (4) 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 [A-5].
- (5) In cases involving questions of appointment, reappointment, promotion, and tenure, an appeal from the Dean's decision may be made at the University level. Two grounds have been established in the bylaws as suitable bases for such an appeal: 1) that the procedures used to reach the decision were improper, or that the case received inadequate consideration and 2) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on that person [B-1].
- (6) The procedure that must be used for making such an appeal is the following: The grievant shall notify the Provost of the University in writing of his or her intention to appeal within fifteen days after receiving written notification of the Dean's decision [B-2]. The written notification will be either the notification to the grievant of the Dean's position, or the notification in which the Dean enumerates the reasons for

which he or she is rejecting part or all of the Grievance Committee's report. The fifteen-day period for filing notice of appeal does not begin until the Dean's decision has been delivered in writing to the grievant.

- (7) The Dean shall decide the case and notify the grievant, but only after receiving advice from the School of Engineering Faculty Grievance Committee [B-3 through 7].

### 3. THE MAKEUP AND ROLE OF THE SCHOOL OF ENGINEERING FACULTY GRIEVANCE COMMITTEE

The School of Engineering Faculty Grievance Committee is a standing committee of the Faculty [A-4]. It consists of three tenured full Professors elected by the voting members of the School of Engineering faculty. Faculty holding administrative positions at the rank of department chair or higher are excluded from the committee.

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 [A-4].

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).