

**GRIEVANCE PROCEDURE: CONTINUING CONTRACT FACULTY**  
**November 15, 2017<sup>1</sup>**

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

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<sup>1</sup> These guidelines were previously part of a policy on CC faculty appointment, reappointment, and promotion, and grievances (November 15, 2017). They have been changed to a stand alone grievance policy. No other changes were made.

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).