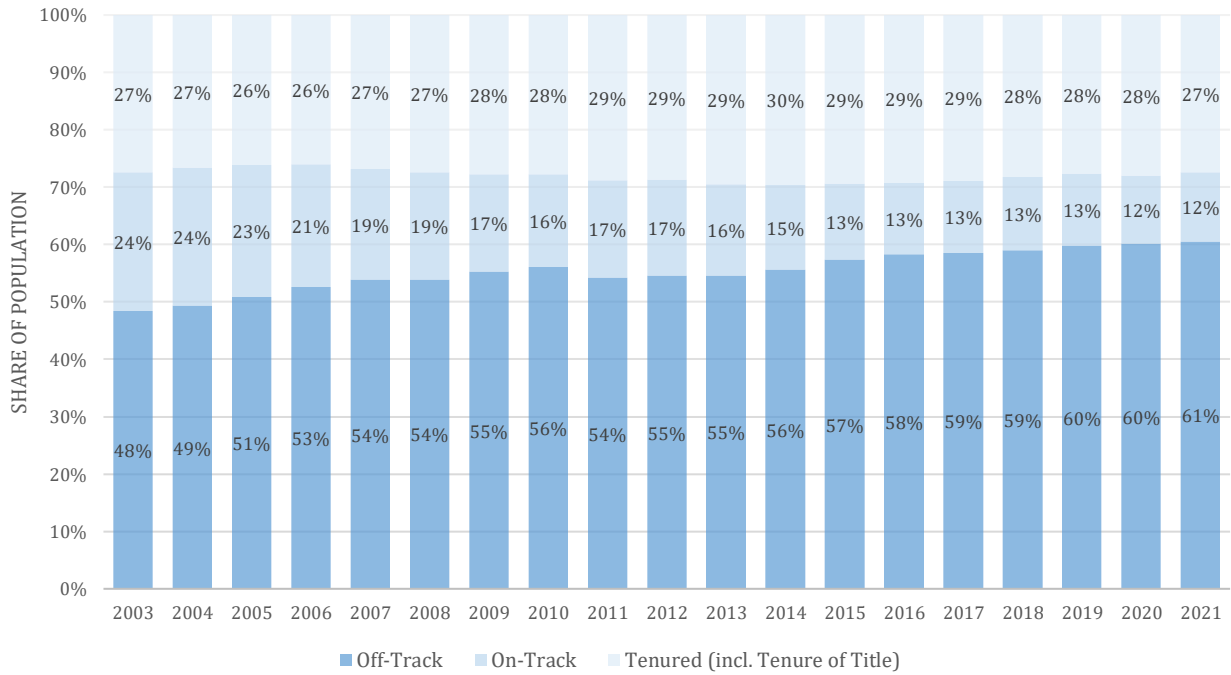

The Changing Structure of the Faculty

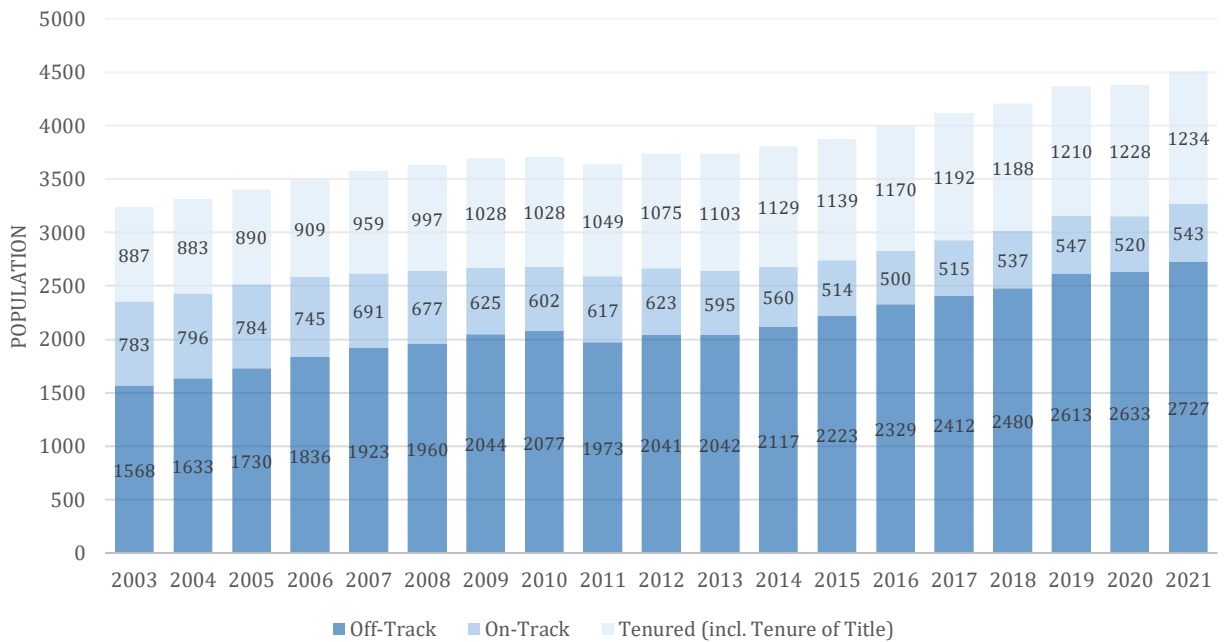
The changing structure of the faculty over recent decades has become increasingly apparent and, with this, the need for different pathways and protections for off-track faculty. Between 2003 and 2021, the total number of full-time faculty increased by 39 percent (1266). The share of tenured faculty remained relatively constant at 27 percent. The share of tenure-track faculty halved over this period, declining from 24 to 12 percent of total faculty. The share of off-track faculty in the total faculty increased from 48 percent to 61 percent. On Morningside, Off-Track Faculty made up 31.5 percent of faculty in 2021, up from 15.7 percent in 2003. At CUIMC, Off-Track Faculty made up 77.4 percent of all faculty in 2021, up from 68.4 percent in 2003.

The University Senate began to address this structural change in 2015 to 2016, with a call to strengthen appointments for off-track faculty through longer notice periods in instances of non-renewal for faculty in good standing to 18 months for faculty with seven or more years of service, and to 24 months for faculty with 12 or more years of service. Adopted in Spring 2016 for the Morningside Campus, this proposal was adopted and subsequently implemented University-wide in Spring 2020, with the Resolution to Amend the University Statutes to Strengthen and Modify Appointments for Full-Time Non-Tenure-Track Faculty Across Columbia, introducing 12-month notice periods for CUIMC faculty with eight or more years of service.

**COLUMBIA UNIVERSITY
OFFICERS OF INSTRUCTION BY TENURE STATUS 2003-2021
(SOURCE: OPIR)**



**COLUMBIA UNIVERSITY
OFFICERS OF INSTRUCTION BY TENURE STATUS 2003-2021
(SOURCE: OPIR)**



University Senate

Proposed: February 5, 2016

Adopted: February 5, 2016

By voice vote with unanimous support

RESOLUTION TO STRENGTHEN APPOINTMENTS

FOR NON-TENURE-TRACK FACULTY ON THE MORNINGSIDE CAMPUS

WHEREAS a large and growing fraction of Columbia's full-time faculty have served the university long and well as officers of instruction with no prospect of tenure, earning renewable appointments beyond the up-or-out barrier; and

WHEREAS many of these faculty devote their careers to the University, making contributions to the long-term teaching and research missions of their department or school that are comparable to—sometimes indistinguishable from—those of their tenured colleagues; but

WHEREAS, unlike their tenured colleagues, Non-Tenure-Track faculty, regardless of their years of service, work under terms of employment that are sometimes described as multiyear appointments, but are fundamentally one-year contracts;

THEREFORE BE IT RESOLVED, that the Senate call upon the administration to strengthen its commitment to this loyal cohort of Morningside faculty by extending the period of notice of any decision not to renew their appointments, according to the schedule laid out in the attached proposal; and

BE IT FURTHER RESOLVED, that the Senate Faculty Affairs Committee, within a year of the adoption of this resolution, prepare a separate proposal to strengthen the commitment to the Non-Tenure-Track faculty of the Columbia University Medical Center, accounting for differences in budgetary conditions on the two campuses.

PROPONENT: Faculty Affairs Committee

COMMITTEE ON FACULTY AFFAIRS, ACADEMIC FREEDOM, AND TENURE:

A Proposal to Strengthen the Appointments of Non-Tenure-Track Faculty

Abstract

The Faculty Affairs Committee recommends that in order to attract, retain, and protect the many nontenured faculty members on whom the University depends, it must strengthen its commitment to long-serving members of this group by providing longer notice periods for any decisions not to renew their appointments.

Our proposal applies to all full-time nontenured faculty members on all Columbia campuses except CUMC (which will be reviewed at a future date) and is designed particularly for those whose appointments have been extended or renewed beyond the eight-year time limit set by the tenure clock. These faculty members hold titles including:

Lecturer in Discipline, Senior Lecturer in Discipline
Lecturer in Language, Senior Lecturer in Language
Assistant Clinical Professor of Law, Associate Clinical Professor of Law and Clinical Professor of Law
Assistant Professor of Practice, Associate Professor of Practice, Professor of Practice

We refer to this group throughout as Non-Tenure-Track (NTT) faculty.

The Prevalence of NTT Faculty at Columbia

The roles, titles and responsibilities of NTT faculty vary throughout the University; however, in every school they play vital roles. In some schools, their roles are mostly indistinguishable from those of their tenured colleagues. NTT faculty conduct a significant portion of the teaching and mentoring of students, serve on committees, carry out professional activities, take on administrative roles and in some instances do research. They comprise a significant portion of full-time faculty on the Morningside campus.

The number and proportion of NTT faculty have been steadily increasing in the past decade across both the Morningside and CUMC campuses.

- On Morningside, NTT faculty increased from 219 in 2004 to 397 in 2014, from 18 percent to 26 percent of total faculty.
- At CUMC, NTT faculty increased from 1,414 in 2004 to 1,720 in 2014: from 68 percent to 75 percent of total faculty.

Appointments, Renewals, and Termination

The Faculty Handbook states the following policy guidelines for termination of non-tenured faculty members: “Full-time officers of instruction, with the exceptions noted below, must be given notice no later than March 1 of the first academic year; no later than December 15 of the second; and at least 12 months prior to the end of the stated term of appointment in all subsequent years, except in the case of those in their seventh year of counted service, who must receive notice by May 31.” These are the same guidelines that apply to nontenured faculty on the tenure track.

Again, CUMC faculty are not included in the present proposal, but it is worth pausing to consider the non-renewal notice provisions for them in the Faculty Handbook: “Full-time officers of instruction in the Faculties of Dental Medicine, Medicine, Nursing, and Public Health who hold clinical appointments or titles indicating appointments in an affiliated hospital or institute are entitled to six months’ notice after completing two years of full-time service, except when nonrenewal results from the termination or modification of an affiliation agreement between the University and another institution, the closing of an affiliated institution, or significant curtailment of its operations.” There is no provision for nontenured CUMC faculty ever to receive more than six months’ notice, regardless of length of service to the University. This restriction also applies to the new CUMC titles approved by the Senate in 2012, which dispense with the word “clinical” and add the phrase “at CUMC.” Thus, all full-time nontenured faculty in the schools of Medicine, Dentistry, Nursing and Public Health now hold the titles Assistant Professor at CUMC, Associate Professor at CUMC, or Professor at CUMC.

Like tenured faculty, NTT faculty make invaluable contributions to the scholarship of our students and most make lifelong commitments to this institution. Having a faculty committed long term to the University is critical for its educational mission. Therefore, it is imperative that NTT faculty with long service at Columbia University have a stronger commitment from the institution. To earn such a commitment, faculty members must demonstrate their value to the University through excellence in teaching, mentoring, administrative roles, academic and professional service, as well as research where appropriate, in accordance with expectations for all full-time faculty members.

A long-term commitment to NTT faculty is premised on two assumptions:

1. Faculty will maintain their current level of commitment to teaching, research and service.
2. The financial environment of the School/Department/program is not expected to suffer drastic changes over the course of the commitment (e.g., a steep decline in student enrollment).

Proposed notice provisions for non-renewal of NTT faculty

For the first seven years of service, the Faculty Affairs Committee recommends following the guidelines stated in the Faculty Handbook. In their first year,

faculty should be apprised of their review schedule. After a review, faculty who are not meeting expectations for their position must be given notice of nonrenewal no later than March 1 of the first academic year; no later than December 15 of the second; and at least 12 months prior to the end of the stated term of appointment in subsequent years, except in the case of those entering their seventh year of counted service, who must receive notice by May 31 in year six. The intervals between reviews will vary from one to five years, depending on current practice.

After seven years of service, after each satisfactory review, appointments will be renewed until the next review. For faculty with the titles of Senior Lecturer, Associate Professor of Professional Practice, Associate Clinical Professor, Professor of Professional Practice or Clinical Professor, appointments are renewed for two to five years, depending on the current practice in the school or department.

Faculty with multiyear contracts with **seven to 12 years of service** must receive a notice of nonrenewal 18 months prior to the stated term of their appointment. Faculty with **seven to 12 years of service** whose reviews are unsatisfactory must receive at least an 18-month notice of nonrenewal.

Faculty with multiyear contracts with **12 or more years of service** must receive a notice of nonrenewal 24 months prior to the stated term of their appointment. Faculty with **12 or more years of service** whose reviews are unsatisfactory must receive at least a 24-month notice of nonrenewal.

Finally, we recognize that these reforms will only sharpen the disparity with the provision of six months' notice for all NTT faculty at CUMC, regardless of length of service. This inequity must be addressed in the near future.

University Senate

Proposed: March 6, 2020

Adopted: March 6, 2020

Vote: 66 in favor: 0 opposed: 0 abstentions

**RESOLUTION TO AMEND THE UNIVERSITY STATUTES TO STRENGTHEN AND
MODIFY APPOINTMENTS FOR FULL-TIME NON-TENURE-TRACK FACULTY
ACROSS COLUMBIA UNIVERSITY**

WHEREAS the University Senate adopted, on February 5, 2016, its Resolution to Strengthen Appointments for Non-Tenure-Track Faculty on the Morningside Campus, which called for a significant expansion of the notice period for nonrenewal, from the current level of at least 12 months for full-time Non-Tenure-Track faculty with two or more years of service, as follows:

- At least 18 months' notice of nonrenewal after seven and up to 12 years of service
- At least 24 months' notice of nonrenewal after 12 or more years of service

WHEREAS In 2016, the Senate Faculty Affairs Committee resolved to prepare a proposal strengthening the commitment to full-time Non-Tenure-Track faculty at Columbia University Medical Center¹, accounting for differences in budgetary conditions on the two campuses; and

WHEREAS the Columbia University Irving Medical Center (CUIMC) proposes strengthening and modifying notice periods for full-time Non-Tenure-Track faculty in its four schools: the Vagelos College of Physicians and Surgeons, the Mailman School of Public Health, the College of Dental Medicine, and the School of Nursing; and

WHEREAS CUIMC proposes to extend non-renewal notice for full-time Non-Tenure-Track faculty with more than eight years of service from the current level of at least six months, with end dates of June 30 or December 31, to 12 months, to be counted as exactly one year from the date of the non-renewal notice; and

WHEREAS CUIMC², understanding its unique practice environments and the unique responsibilities of health caregivers to patients, proposes immediate suspension or termination of full-time Non-Tenure-Track *clinical* faculty found to be unfit to practice following a formal due process review conducted by the respective accrediting body³, or following voluntary relinquishment of a New York State medical, nursing or dental license as part of a legal procedure; and

¹ Columbia University Medical Center was renamed Columbia University Irving Medical Center on September 21, 2016.

² This applies to Vagelos College of Physicians and Surgeons, the College of Dental Medicine, and School of Nursing.

³ The New York State Office of Professional Misconduct; a formal hospital Medical Board review process; or The U. S. Drug Enforcement Agency

~~WHEREAS in other serious circumstances, including where the continuation of a full-time Non-Tenure-Track *clinical* faculty member's active appointment would present a serious reputational or legal liability, CUIMC proposes to establish a peer review process, under which the faculty member may be removed from clinical duties and suspended, with or without pay;~~

THEREFORE BE IT RESOLVED that the University Senate propose specific amendments to Sec.72c [*Notice of nonrenewal*] and Sec.75 [*Dismissal procedures*] of the University Statutes to reflect the changes set out above.

BE IT FURTHER RESOLVED that the University Senate ask the University Trustees to approve these amendments to the University Statutes.

Proponent: Faculty Affairs, Academic Freedom, and Tenure Committee

September 24, 2019

Proposal to Amend the University Statutes Governing Notice to Faculty of Non-Renewal of Appointment of Non-Tenured Faculty at CUIMC

CURRENT POLICY (Faculty Handbook)

1. Full time officers of instruction in the Faculties of Dental Medicine (CDM), Medicine (VP&S), Nursing (SON) and Public Health (MSPH) who hold clinical appointments or titles indicating appointments in an affiliated hospital or institute are entitled to six months' notice after completing two years of full-time service, except when nonrenewal results from the termination or modification of an affiliation agreement between the University and another institution, the closing of an affiliated institution, or significant curtailment of its operations. Those with less than two years of full-time service normally must receive at least three months of notice. Exceptions require the prior approval of the Provost. With the exception of those faculty who are appointed for a single term, full-time officers of instruction are normally appointed through the end of the academic year. They may be given notice that their appointments will end on dates other than June 30 only in unusual circumstances and only with the special prior permission of the Provost. Part-time officers of instruction are not given notice of nonrenewal. The duration of their appointments is specified in the offer letters they receive from their department chair or dean. The end of their period of service is also specified in the letter of appointment from the Secretary of the University.

PROPOSED POLICY

A. Faculty with less than 2 years' service will still receive three months' notice of non-renewal.

B. Faculty with more than 2 years but less than 8 years of service must receive six months' notice of non-renewal, with appointment end date on either December 31 or June 30.

C. Faculty with more than 8 years of service must receive 12 months' notice, which may be given at any time during the academic year, with appointment end date 12 months from the notice of non-renewal, whether or not that date falls on June 30 or December 31. Faculty will be expected to continue to productively carry out their assigned duties during the notice period.

D. When nonrenewal results from the termination or modification of an affiliation agreement between the University and another institution, the closing of an affiliated institution, significant curtailment of its operations, the appointment may end with the change in the status of the affiliation.

E. Irrespective of length of service, six months' notice could be given when there are grounds for dismissal as outlined in the Faculty Handbook including "evidence of gross inefficiency, habitual and intentional neglect of duty or serious personal misconduct".

F. The VP&S Faculty Council, the CDM and the SON also propose that the University Statutes on non-renewal of non-tenured VP&S faculty with clinical duties be amended to provide for immediate suspension, with or without pay, or

dismissal under certain circumstances. Currently the University Statutes provide that an appointment may be terminated before the end of its stated term, regardless of the severity of the misconduct, after a hearing procedure before the Senate, and that a faculty member may not be suspended, even with pay, unless the President, in consultation with the Senate, determines that the faculty member is a danger to himself or others.

The VP&S, CDM and SON Propose:

1. Since a valid New York State license, privileges at a Columbia-affiliated hospital or practice, and a valid Drug Enforcement Administration (DEA) certificate are requirements for a VP&S medical practice, CDM dental practice and SON nursing practice, a non-tenured faculty member with clinical responsibilities may have his/her clinical salary discontinued immediately, may be suspended with or without pay, or may be terminated immediately if he or she is unable or unfit to practice medicine, nursing or dentistry at VP&S, CDM or SON based on the following formal processes that include extensive examination of evidence and due process for the involved faculty member:

- a.) suspended or terminated hospital privileges as determined by a Medical, Dental or Nursing Board hearing including Columbia faculty
- b.) loss of New York State medical, dental or nursing license resulting from a hearing before the State of New York's Office of Professional Conduct
- c.) the voluntary relinquishment of a New York State medical, dental or nursing license as part of a legal procedure
- d.) loss of DEA certification after a formal federal proceeding

2. Since some behaviors that do not meet the criteria under #1 may also be inconsistent with practices at Columbia, and since the adjudication required in #1 may take some time, VP&S, CDM and SON also endorse a 3-step procedure that may be used in other serious circumstances. A non-tenured faculty member with clinical responsibilities may be removed from clinical duties and suspended, with or without pay, when faculty peer-review determines that continuation of active appointment presents a serious liability, reputational or legal, to VP&S, CDM or SON. The faculty peer review process would require consideration by three independent faculty advisory groups and function as follows:

- The Executive Committee of ColumbiaDoctors, with the concurrence of the Dean's Advisory Committee (a standing committee of senior faculty advisory to the Dean) finds good cause (as defined by the Faculty Practice Guidelines) to recommend that he or she is unable or unfit to practice medicine at VP&S.
- The faculty member can appeal this suspension in writing within seven days. Any such appeal will be reviewed promptly by the Vice Dean for Academic Affairs and the Executive Committee of the Faculty Council, or the equivalent offices in the CDM and SON.
- The faculty member's status during the interval prior to routine non-renewal (e.g., continue suspension, reinstatement, termination) will be presented to and reviewed by the Executive Committee of the Faculty Council or equivalent body at CDM and SON within six weeks of appeal, and its decision will be final.
- The CDM and the SON will also have formal faculty driven processes based within CDM or SON to review such situations, to make recommendations regarding continuation of clinical responsibilities, as well as a mechanism by which the faculty member to may appeal any such decisions.