

October 23, 2017

The City University of New York- Revised Pre-Tenure Review Policy:

WHEREAS, In 2011 the University adopted a pre-tenure review policy, following the lead of a number of CUNY colleges that had similar policies; and

WHEREAS, Following the adoption of the 2011 policy, the Professional Staff Congress/CUNY filed an improper practice charge with the New York State Public Employment Relations Board, alleging that the pre-tenure review policy should have been a subject of collective bargaining; and

WHEREAS, The University denied that it had engaged in an improper practice charge, but entered into discussions with the Professional Staff Congress/CUNY regarding the terms of the policy; and

WHEREAS, The University and the PSC were able to reach a settlement agreement resolving the improper practice charge, pursuant to which the University agreed to make some modest changes to the original policy; now therefore be it

RESOLVED, That the Board of Trustees adopt the following revised policy for pre-tenure review of tenure-track faculty, effective immediately, which shall supersede the policy adopted on February 28, 2011:

There shall be a Dean's review for each untenured tenure-track faculty member in his/her third year of service. Such review will be conducted as follows:

1. Toward the end of the spring semester, after the department chair's annual evaluation memorandum but before the spring commencement, the dean of the appropriate school, division, or other academic unit in which the faculty member serves (or if there is no such dean, the appropriate academic administrator designated by the President) shall review the professional record of the faculty member.
2. The professional record shall consist of all materials used by the chair in creating the third-year annual evaluation memorandum, plus the third-year evaluation and the contents of the faculty member's personnel file. No additional documentation shall be required. The record will not include any external reviews.
3. If the Dean believes the total academic performance of the faculty member is not sufficiently set forth in the third-year annual evaluation memorandum, the Dean shall prepare a draft memorandum to the department chair that specifies the strengths and weaknesses of the faculty member's total academic performance in light of the criteria for tenure consistent with established University policies. The Dean shall share the draft with the department chair and discuss it, after which a copy of the draft memorandum shall be sent to the faculty member.

4. Thereafter , there shall be a meeting with the faculty member to discuss the draft memorandum. The college shall decide whether the meeting is with the Dean or the department chair. If the faculty member requests it, the Dean (if the meeting is with the chair) or the chair (if the meeting is with the Dean) shall also be included at the meeting.
5. Within ten (10) days after the meeting set forth in paragraph 4, the Dean shall issue a final memorandum to the department chair with a copy to the faculty member. The department chair shall have the faculty member initial the Dean's memorandum so lely to show receipt of the Dean's memorandum and place it in the faculty member's personal personnel file. The faculty member shall retain all rights under Articles 19 and 20 of the PSC/CUNY collective bargaining agreement.
6. A College President may choose to conduct the Dean's review for all affected faculty in the fall or spring of the faculty member's fourth year of service instead of the third year of service with notice to the faculty in which case all references to the third year in this procedure will refer to the year in which the evaluation is conducted.

EXPLANATION : In 2011 , the University adopted a pre-tenure review policy , following the lead of a number of CUNY colleges that had similar policies . Faculty members are considered for tenure at the beginning of their seventh continuous year of service, and it is critical that they receive feedback well in advance of the tenure decision as to the strengths and weaknesses of their performance in light of the University's tenure standards. The pre-tenure review, conducted at the end of the faculty member's third year, is a mechanism for providing faculty members with such feedback , in addition to the performance reviews contained in the faculty member's annual evaluations. Under the pre-tenure review process, a Dean reviews the faculty member's record and writes a memorandum to the faculty member about his/her total academic performance; the memorandum is then discussed with the faculty member and placed in the faculty member's personnel file.

Following the adoption of the 2011 policy, the Professional Staff Congress/CUNY and the University entered into discussions about the policy and reached an agreement that involved some modest changes to the original policy. These changes are consistent with the purpose of the original policy and prior college policies. The revised policy also improves upon the original policy by providing flexibility for a college to conduct the pre-tenure review in a faculty member's fourth year of service rather than the third year, and by having the Dean's memorandum start as a draft and become finalized only after the meeting with the faculty member.