

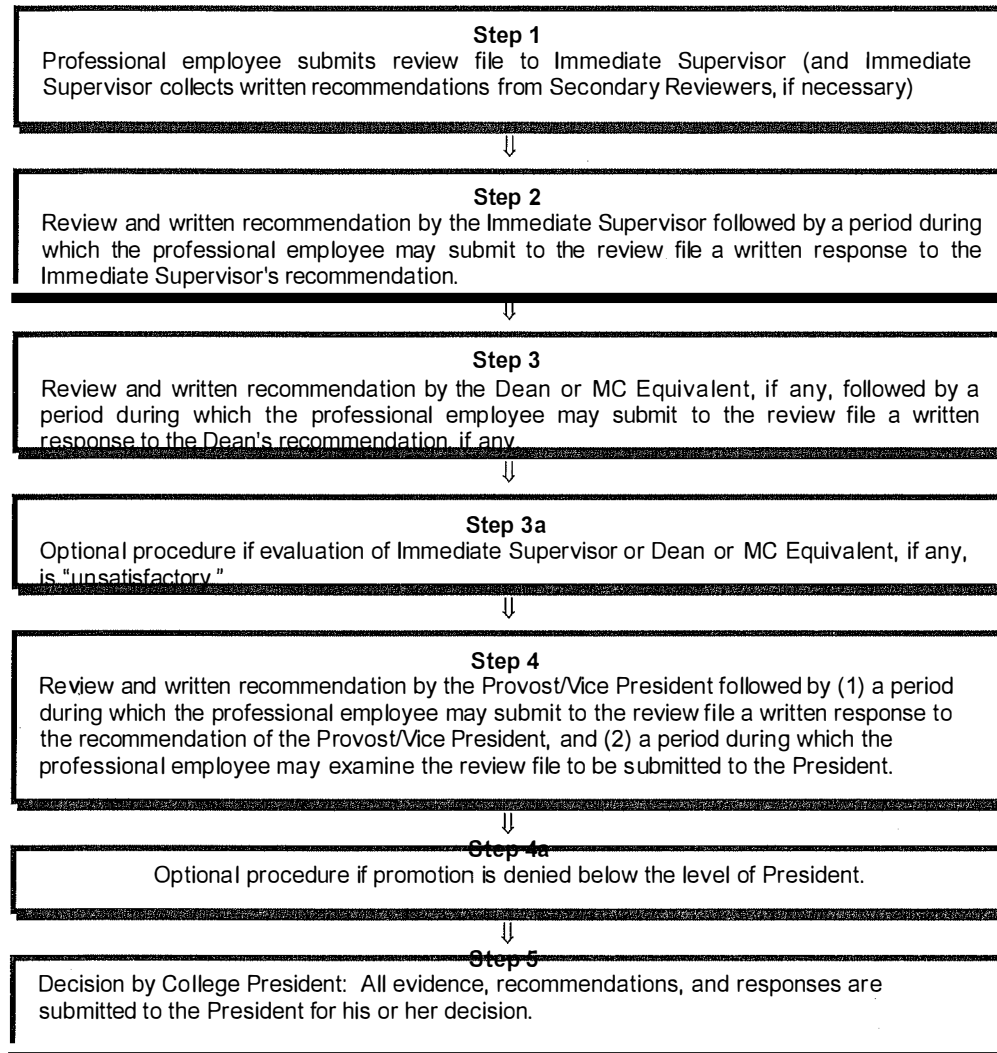
**PERFORMANCE REVIEW
OF
PROFESSIONAL EMPLOYEES:**

POLICIES AND PROCEDURES



*An Agreement
Between the
State University of New York
College of Arts and Science at
Plattsburgh
and
United University Professions*

OUTLINE OF THE REVIEW PROCESS



Note that the charts on this inside front cover and on the inside back cover are for quick reference only. Consult the contents of this document for official information.

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Professional Review Committees cover

Performance Review of Professional Employees: Policies and Procedures

An Agreement Between the State University of New York College of Arts and Science at Plattsburgh and United University Professions

ARTICLE 1: INTRODUCTION

The State University of New York College of Arts and Science at Plattsburgh and United University Professions establish in this document the philosophy, policies, procedures, and practices pertaining to the appraisal of professional employees. These descriptions provide common guidelines for use college-wide in the appointment, reappointment, permanent appointment, and promotion of professional employees. This document implements the *Policies of the Board of Trustees, State University of New York*,¹ the *Agreement Between United University Professions and The State of New York*,² and the *Memoranda of Understanding*³ by establishing the consultative mechanism to be used in personnel actions specified in this document.

1.1. "CONSULTATION" IN APPOINTMENT, REAPPOINTMENT, PERMANENT APPOINTMENT, AND PROMOTION

Article XI, Title A. Section 1 of the *Policies of the Board of Trustees, State University of New York* is:

"Procedure. The chief administrative officer of a college, after seeking consultation, may appoint, reappoint, or recommend to the Chancellor for appointment or reappointment, as may be appropriate to the nature of the appointment provided for herein, such persons as are, in the chief administrative officer's judgment, best qualified. For purposes of this Article, the term 'consultation' shall mean consideration by the chief administrative officer of a college of recommendations of academic or professional employees, including the committees, if any, of the appropriate department or professional area, and other appropriate sources in connection with appointment or reappointment of a specified employee; provided, however, that nothing contained herein shall prevent the chief administrative officer of a college from taking such actions as he or she may deem necessary to meet notice requirements in the event of nonrenewal of term appointments."

Appendix A-4 of the *Agreement Between United University Professions and The State of New York* is:

"This will confirm that the sole obligation arising from the term 'consultation' as defined in Article XI, Title A of the Policies of the State University Trustees shall be consideration by a College President of recommendations of academic or professional employees,

¹ 1994 Edition.

² 1991-95 Edition.

³ 1) *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees*, and

2) *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees*.

including the committees, if any, of the appropriate academic department or professional area, and other appropriate sources submitted to the College President in connection with appointment or reappointment of a specific employee."

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ARTICLE 2: PRINCIPLES AND SCOPE

2.1. PRINCIPLES UNDERLYING PERFORMANCE REVIEW

2.1.1. Origin of Performance Review

Article XII, Title C, Section 1 of the *Policies of the Board of Trustees, State University of New York*, is:

"It is the policy of the University to evaluate on a regular basis the performance of all professional employees and to give such employees consideration for promotion.⁴ The Chancellor or designee shall provide for the administration of systems for evaluation and promotion of such employees."⁵

2.1.2. Criterion Referenced Performance Review

Article XII, Title C, Section 4 of the *Policies of the Board of Trustees, State University of New York* establishes the criteria for appraisal of professional employees. At the State University of New York, College of Arts and Science at Plattsburgh, performance review of professional employees is criterion referenced. Reviewers must address each candidate's performance with respect to the criteria established in or sanctioned by this document.

2.1.3. Formative Principle

Although the performance review process must inevitably address summative issues of reappointment, term renewal, permanent appointment, and promotion, it is the intention of both parties to this document to make the performance review process constructive and formative so that it can be genuinely useful in contributing to the professional development of professional employees. Every effort must be made to provide professional employees with reasonable and constructive suggestions that will help them successfully meet performance review criteria.

2.1.4. Assistance

If and when deficiencies are identified, the College President will make every reasonable effort to provide opportunities and resources that will assist the professional employee in improving performance.

Article 23.7 b. of the *Agreement Between United University Professions and The State of New York* and Article XIII, Title F, Section 1(b) and Section 2 of the *Policies of the Board of Trustees, State University of New York* are:

⁴ Refer to: 1) September 6, 1989 Memorandum from Stephen J. Beditz, SUNY Director of Personnel Services, regarding "Draft Point

Factor Analysis;"

2) August 19, 1987 Memorandum from Joseph C. Burke, SUNY Provost, regarding "Implementation of the Arthur Young Study;"

3) August 6, 1997 Memorandum from Joseph C. Burke, SUNY Provost, regarding "Proposed Changes in MACCC Recommendations for Discussion and Action on August 6;" and

4) April 16, 1990 Memorandum from Thomas A. Corigliano, UUP Vice President for Professionals, regarding "Addition to Title/Classification Book."

⁵ Refer to: 1) *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees*, and

2) *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees*.

"Leaves of Absence for Professional Employees

1. Approval. The College President may recommend to the Chancellor other leaves of absence for employees at full salary or reduced salary, or may grant employees leaves of absence without salary, for the purpose of professional development, acceptance of assignments of limited duration with other universities and colleges, governmental agencies, foreign nations, private foundations, corporations and similar agencies, as a faculty member, expert, consultant or in a similar capacity, or for other appropriate purposes consistent with the needs and interests of the University. Leaves of Absence without salary may also be granted under appropriate circumstances for the purpose of child care. Leaves of absence at full or reduced salary pursuant to provisions of this Section shall be subject to the approval of the Chancellor.

2. Application. Applications for such leaves of absence shall be made to the College President. Each such application shall include a statement of the purpose for which the leave is requested, its anticipated duration and its value to the applicant and the University."

2.1.5. Right of Response

At each stage of the performance review process, written reasons for recommendations will be placed in the professional employee's review file and the professional employee will be provided an opportunity to respond in writing to the recommendations (Article XII of the ***Policies of the Board of Trustees, State University of New York*** and Article 31 of the ***Agreement Between United University Professions and The State of New York***).

2.1.6. Early Notice and Assumption of Progress Towards Permanent Appointment

While deficiencies in performance could become apparent late in the cycle of reappointments leading to the permanent appointment decision or the renewal of Five-Year term appointments (***Policies of the Board of Trustees, State University of New York*** Article XI, Title D, Section 6, and Appendix A) such instances should be the exception. It is reasonable for professional employees without permanent appointment who have not been informed of any deficiencies during prior personnel actions, or who have addressed any noted deficiencies to the satisfaction of reviewers in prior performance reviews, to assume that they are making satisfactory progress towards permanent appointment or renewal of Five-Year term appointments, and that when the time comes for the permanent appointment or Five-Year term appointment review, positive recommendations are likely to be submitted for the President's decision.

2.2. PERSONNEL ACTIONS COVERED BY THIS AGREEMENT

Article XII, Title C, Section 6, of the ***Policies of the Board of Trustees, State University of New York*** authorizes the chief administrative officer (College President) to make personnel decisions:

"Notwithstanding anything contained herein the chief administrative officer of a college may promote or recommend for promotion directly to the Chancellor, or designee, any professional employee in the Professional Services Negotiating Unit at the chief administrative officer's college."

The President of the SUNY College of Arts and Science at Plattsburgh will receive recommendations from reviewers as set forth in this document.⁶

This document establishes one review procedure with a performance review calendar for professional employees to integrate all processes for personnel actions and conserve available

⁶ Refer to footnote 3.

human resources for annual evaluations, performance program renewals, consideration for promotions, award of discretionary salary increases when available, reappointments, term renewals, permanent appointments, and any other evaluation where an employee's performance is a consideration. Professional employees may receive "notice" in excess of the "notice" period required by Article XI, Title D, §5 of the *Policies of the Board of Trustees, State University of New York*.

2.3. DISCRETIONARY SALARY ADJUSTMENTS

Discretionary salary adjustments will follow policies, procedures, practices, and guidelines promulgated by the Board of Trustees, State University of New York, and provisions, if any, in the *Agreement Between United University Professions and The State of New York*.⁷

The promotions of academic and professional employees will have parity within the available funding sources for promotions.

However, in accordance with Article 20.8 of the *Agreement Between United University Professions and The State of New York*:

"Nothing contained herein shall prevent the University, in its discretion, from granting further upward salary adjustments to individual employees."

In addition to promotions in present positions and to vacant positions, discretionary salary adjustments are one mechanism for recognizing the professional employee's performance of professional responsibilities as contained in the professional employee's performance program. Performance review for discretionary salary increments is performance review and as such will utilize the procedures established in this document.

2.4. PERFORMANCE REVIEW AS DISTINCT FROM DISCIPLINE

No reviewer may use the performance review process to formulate recommendations regarding issues beyond the criteria established in this document, or the elaborations authorized by this document. Allegations of professional misconduct (e.g., unauthorized absence, sexual harassment, etc.) and any other alleged violation of the employment relationship must be processed in conformity with applicable policy. In all such instances, the provisions specified in Article 19 of the *Agreement Between United University Professions and The State of New York* must be followed. Questions regarding such issues may be addressed to the President's Designee for Employee Relations. The College President may consider material in the official personnel file at his or her discretion.

2.5. EXCLUSIVITY OF THE CONSULTATIVE PROCESS ESTABLISHED IN THIS AGREEMENT

No process, consultative or otherwise, for performance review of professional employees for the purpose of determining reappointment, term renewal, permanent appointment, promotion, or any other purpose where a professional employee's performance may be a relevant consideration, will be conducted by any individual or group of individuals or in any manner not specified in this document.

2.6. ANNUAL SCHEDULE: PERFORMANCE REVIEW CALENDAR FOR PROFESSIONAL EMPLOYEES

⁷ Refer to: 1) footnote 3, and

2) May 16, 1988 Memorandum from Janet Saunders, SUNY Plattsburgh Director of Personnel and Affirmative Action, regarding "Professional Promotion Plan."

Prior to the beginning of each academic year, the College President and the President of the Plattsburgh Chapter of United University Professions will co-sign a schedule (the Performance Review Calendar for Professional Employees)⁸ of deadlines to be observed at each step of the performance review process for annual evaluation, reappointment, term renewal, permanent appointment, promotion, discretionary salary increments, and any other purpose where a professional employee's performance may be a relevant consideration. It is the obligation of the College President to distribute the Performance Review Calendar for Professional Employees to all members of the professional staff.⁹

In exceptional circumstances, the College President and the President of the Plattsburgh Chapter of United University Professions and the professional employee may, by mutual agreement, extend one or more of the deadlines in the schedule. Such mutual agreements may not violate the notice requirement established in Article XI in the ***Policies of the Board of Trustees, State University of New York***.

2.7. APPLICABILITY

In the event of any inconsistency, incertitude, or other conflicts between this document and the ***Policies of the Board of Trustees, State University of New York***, or the ***Agreement Between United University Professions and The State of New York***, the provisions of the ***Agreement Between United University Professions and The State of New York*** take precedence [see ***Policies of the Board of Trustees, State University of New York***, Article XIX].

2.8. DOCUMENT DISTRIBUTION

The College will provide current editions of all relevant materials to members of the professional staff upon initial appointment and thereafter as requested by professional employees or as changes may occur.

ARTICLE 3: SPECIAL RULES FOR PERFORMANCE REVIEW PROCEDURES

3. 1. MINIMUM PERIOD FOR RESPONSE

Professional employees under performance review will have no less than two (2) working days for initial term renewals, and three (3) working days for all other personnel actions to submit to the review file a written response to written recommendations at each stage of the performance review process.

3.2. PROHIBITION OF AMENDMENTS AND REBUTTALS

After reviewers authorized by this document have submitted written recommendations, these recommendations may not be amended or augmented without the professional employee's written consent submitted to the review file. A professional employee's response to written recommendations submitted to the review file may not be rebutted by the individual or group of individuals who wrote the recommendation to which the professional employee is responding.

3.3. PROFESSIONAL EMPLOYEES' PERSONNEL REVIEW TRANSMITTAL FORM

At all stages of the process, actions by reviewers will be recorded on the Professional Employees' Personnel Review Transmittal Form [see *Appendices* of this document] which must be attached to the review file.

⁸ See *Appendices* for sample calendar.

⁹ Refer to "*Definitions*" in *Appendices*.

3.4. REVIEW FOR PROMOTION

A professional employee may initiate performance review for promotion by including a written request for promotion in the review file submitted by the date specified in the Performance Review Calendar for Professional Employees. In addition, a professional employee may access the system of promotion provided in the **Memorandum of Understanding**¹⁰ at any time. Academic and professional employees have parity for promotions within the available funding sources.

3.5. CRITERION BASED RECOMMENDATIONS WITH REASONS

Every written recommendation must address the criteria established in this document and in any elaborations authorized by the professional employee's performance program, and must provide reasons for the recommendation.

3.6. SINGLE STEP REVIEWER PARTICIPATION

Although professional employees may serve simultaneously on more than one of the review bodies (*i.e.*, Committees established in the **Memoranda of Understanding**, Secondary Reviewers, Immediate Supervisor) established in this document, no one may be involved in formulating a recommendation regarding an individual employee at more than one step in the performance review process.

¹⁰ Refer to: 1) footnote 3, and

2) Memorandum of Understanding Between The State of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees reproduced in this document.

ARTICLE 4: MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE UNIVERSITY OF NEW YORK AND UNITED UNIVERSITY PROFESSIONS RELATING TO A SYSTEM OF EVALUATION FOR PROFESSIONAL EMPLOYEES¹¹

I. Evaluation Policy

It shall be the policy of the University to evaluate the performance of all professional employees in the Professional Services Negotiating Unit as hereinafter provided.

II. Definitions

A. The following terms shall be defined as provided in Article 4 of the *Agreement* between the State of New York and United University Professions: "University," "professional employee," "college president," "college."

B. "Professional position" shall mean a position in the Professional Services Negotiating Unit other than a position of academic or qualified academic rank.

C. "Immediate supervisor" shall mean the person so designated by the college president for the purposes herein.

D. "Employment status" shall include but not be limited to personnel actions involving appointments, promotion, transfer, reassignment, discretionary salary increase.

III. Purposes of Evaluation

A. The performance of each professional employee shall be evaluated in order to:

- (1) provide the college president with consultation in making a decision to renew or non-renew a professional employee's appointment;
- (2) provide a base for performance improvement;
- (3) serve as a guide to reevaluate job functions;
- (4) provide the college president with consultation in a decision as to promotions and discretionary salary increases;
- (5) provide a basis for career growth.

IV. Implementation of Evaluation System

A. This memorandum of understanding shall be implemented as of September 30, 1981.

V. Evaluation Procedure

A. Evaluation is a continuing process carried out on a daily basis. A formal evaluation should be the expression of this ongoing process.

(1) Responsibility

Upon initial appointment, the college president or designee shall give written notice to each new professional employee of the person designated as the immediate supervisor.

Each immediate supervisor shall be responsible for evaluating the performance of professional employees who work at the supervisor's direction. Such performance evaluations shall be conducted for the purposes described in Section III above and at regular intervals as specified below.

¹¹ Signed September 30, 1981 by SUNY: Clifton R. Wharton, Jr., Chancellor; John Cummings, SUNY Binghamton; Heidi Mahoney, SUC Buffalo; Ronald Satryb, SUC Geneseo; Lee Ysumura, SUNY Stony Brook; and by UUP: Samuel Wakshull, President; Evelyn L. Hartman, Executive Director; Charles Hansen, Vice President for Professionals; Richard Allen, SUC Buffalo; Henry Geerken, SUATC Cobleskill; Ruth Knight, Upstate Medical Center.

Upon written request of the professional employee to the college president, the college president or designee shall provide written notice to the employee of the person who has been designated as the employee's immediate supervisor.

The college president or designee shall provide written notice of any change in the immediate supervisor within 30 calendar days of the change.

(2) Frequency

(a) The immediate supervisor of a new professional employee shall consult with such new employee concerning a performance program and the system of evaluation within the first month of the initial appointment. The performance program shall be established within 15 working days from the date of consultation.

(b) The performance of each professional employee, without regard to employment status, shall be formally evaluated in writing by the immediate supervisor once each year during the length of the employee's appointment, and as changing conditions warrant, except where the employee is serving his or her final year of University service.

(c) If, as part of the informal ongoing evaluation process, the immediate supervisor identifies a continuing need for improvement in the employee's performance, it is the responsibility of the immediate supervisor to discuss this with the employee without delay, and with specific suggestions for improvement.

(3) Initial Consultation

The evaluation process shall begin with a discussion between the immediate supervisor and professional employee concerning the following:

- (a) The nature of the professional employee's duties and responsibilities;
- (b) Supervisory relationships;
- (c) Functional relationships;
- (d) Immediate and long-term objectives;
- (e) Criteria for evaluating achievement of objectives.

(4) Determination of Objectives and Criteria

Consistent with the professional employee's duties and responsibilities, as well as the employee's role in contributing to the aims of the University, the immediate supervisor, after consultation with the professional employee, shall determine the objectives to be achieved during the evaluation period. Appropriate criteria for evaluating the degree to which objectives are met shall be determined in the same fashion.

As they relate to the particular duties, responsibilities, and objectives to which the professional employee is assigned, the following criteria, where applicable, should be among those on which the evaluation is based:

- (a) Effectiveness in performance--as demonstrated, for example, by success in carrying out assigned duties and responsibilities, efficiency, productivity and relationship with colleagues.
- (b) Mastery of specialization--as demonstrated, for example, by degrees, licenses, honors, awards, and reputation in professional field.
- (c) Professional ability--as demonstrated, for example, by invention or innovation in professional, scientific, administrative, or technical areas; i.e., development or refinement of programs, methods, procedures, or apparatus.
- (d) Effectiveness in University service--as demonstrated, for example, by such things as successful committee work, participation in local campus and University governance, and involvement in campus-related or University-related student or community activities.
- (e) Continuing growth--as demonstrated, for example, by continuing education, participation in professional organizations, enrollment in training programs, research, improved job performance and increased duties and responsibilities.

The foregoing criteria and examples thereof are presented for descriptive and explanatory purposes only and are in no way intended to be all inclusive or to limit the immediate supervisor in the selection of appropriate criteria for evaluation.

(5) Consultation with Secondary Sources

(a) Secondary sources are agencies, offices, or individuals which will be involved with the performance of the employee and may affect the employee's ability to achieve the stated objectives.

(b) The immediate supervisor, after consultation with the professional employee, shall identify in the written performance program the secondary sources to be consulted as part of the evaluation process and the relationship between each secondary source and the professional employee.

(6) Performance Program

(a) The results of discussions with the professional employee, in accordance with provisions of (3) through (5) above, shall be reduced to writing by the immediate supervisor and shall constitute the performance program on which formal evaluation for the ensuing evaluation period will be based.

(b) Copies of this program, signed and dated by the professional employee and the immediate supervisor, shall be distributed to the professional employee, the evaluator's supervisor and a copy shall be placed in the professional employee's personnel file. If the supervisor and the employee do not concur on the performance program, the employee has the right to attach a statement to the performance program within 10 working days from receipt.

(7) Modification to the Performance Program

As circumstances warrant, the immediate supervisor and the professional employee shall meet to review the appropriateness of elements of the performance program. Modifications in the performance program by the immediate supervisor shall be specified in writing commensurate with provisions of (3) through (6) above.

(8) Formal Evaluation

(a) Formal evaluation shall be based upon the professional employee's performance program, modified as appropriate to reflect changed circumstances.

(b) The immediate supervisor shall prepare a preliminary evaluation report and a new performance program. All evaluations shall include a summary of information from the secondary sources identified in the performance program. Commendable performance and/or areas in need of improvement may be identified. The preliminary report shall include a summary characterization of such employee's performance as "satisfactory" or "unsatisfactory." When appropriate, the report shall contain recommendations relating to: renewal or non-renewal of the professional employee's appointment; promotion; discretionary salary increase; or other actions affecting the employment status of the professional employee. In any event, the employee shall receive the recommendation made by the immediate supervisor pertaining to reappointment no later than 45 calendar days prior to the date upon which notice of non-renewal is due.

(c) The immediate supervisor and the professional employee shall meet to discuss the preliminary evaluation and a new performance program. The extent to which information from secondary sources has influenced the evaluation report shall be reviewed with the employee during this discussion. If an evaluation is characterized as "unsatisfactory," the basis for this characterization shall also be a part of this discussion.

(d) Commensurate with the provisions of (3) through (7) above and prior to concluding the discussion, the immediate supervisor and the professional employee shall discuss a new performance program.

(e) Based upon the evaluation of the professional employee in relation to such employee's performance program and based upon information obtained during discussion with such employee in accordance with (b) through (d) above, the immediate supervisor shall prepare a final written evaluation report which shall include a summary characterization of such employee's performance, any appropriate recommendations, and to which a new performance program shall be attached.

(f) The employee's signature on the final evaluation report signifies only that the employee has received and discussed it with the immediate supervisor, and does not represent agreement or disagreement with the evaluation.

(9) Disposition of Final Evaluation Report

(a) The immediate supervisor shall provide the professional employee with a dated copy of the final evaluation report as soon after completion of the evaluation process as practicable, but not less than forty-five (45) calendar days prior to the notification date for non-renewal of a term appointment for a professional employee serving on such appointment. The original written, dated and signed evaluation report shall be placed in the professional employee's personnel file, a copy of which shall be forwarded to the evaluator's supervisor.

(b) A professional employee who seeks a review of a final evaluation report characterized as "unsatisfactory" must inform in writing the immediate supervisor, the Chair of the Committee on Professional Evaluation, and the college president or designee within ten (10) working days of receipt of the report.

Upon being notified that the professional employee is requesting a review, the immediate supervisor shall, within five (5) working days, provide the Chair of the Committee on Professional Evaluation a dated copy of the final evaluation report.

(c) If the final evaluation report contains recommendations affecting a professional employee's employment status or is to be reviewed by the Committee on Professional Evaluation, it shall be sent to the college president or designee.

(d) If the final evaluation report sent to the college president is not to be reviewed by the Committee on Professional Evaluation, the college president shall take such action as is deemed appropriate with respect to recommendations contained in such report. Otherwise, action shall be delayed until the Committee on Professional Evaluation has completed its review and submitted its recommendations to the college president or designee; however, failure of the Committee to initiate and complete a timely review shall not prevent the college president from acting upon recommendations in the final evaluation report to conform with notice requirements in event of non-renewal of term appointments.

VI. College Committee on Professional Evaluation

A. Within thirty (30) calendar days after execution of the 1981 revised Memorandum of Understanding between the State University and United University Professions relating to a system of evaluation, a five person Committee on Professional Evaluation shall be formed at each college.

The Committee shall consist of three (3) professional employees serving in positions in the negotiating unit at each college, elected at large by all of the professional employees in the negotiating unit at the college in accordance with procedures developed and implemented by the UUP chapter president. The remaining members shall be selected by the college president. The chair shall be selected by the Committee from among its members.

In the event of a resignation or the inability of a member to serve, that member shall be replaced within thirty (30) calendar days pursuant to the procedures outlined in A above.

During the period September 1 to September 30 of each year, the UUP chapter president, at his or her discretion, may choose to replace any or all members of the Committee elected at large by the professional employees in the negotiating unit and cause a new election to be held pursuant to the above procedures to fill the vacancy or vacancies created. Additionally, during the same period each year, the college president, in his or her discretion, may choose to replace any or all members he or she has selected to serve on the Committee and select a new member or members to fill the vacancy or vacancies created. The newly established Committee will commence service on October 1.

B. Process of Review

(1) The Committee on Professional Evaluation established pursuant to Section VI.A. shall, upon the timely request of a professional employee, review a final evaluation report characterized as "unsatisfactory."

(2) Committee review shall address both the procedures and substance of the unsatisfactory evaluation.

(3) As part of its review, the Committee at its discretion:

(a) shall have access to all previous formal evaluations of the professional employee concerned;

(b) may request and consider any additional comments by either the immediate supervisor or the professional employee;

(c) may request information pertinent to the review from secondary sources;

(d) may request that the immediate supervisor and/or the appellant meet with the Committee and respond to inquiries;

(e) shall be free to call upon any other individual whom they believe has information relative to the evaluation. All individuals shall be encouraged to cooperate with the Committee if so requested.

C. Disposition of Committee Report

The Committee shall complete the written recommendations within twenty-five (25) working days from the date of appeal, with copies to the professional employee, the immediate supervisor, the evaluator's supervisor and the college president. Within ten (10) working days of the issuance of the report, the college president shall take such action as he or she deems appropriate and shall give written notice of such action to the professional employee, the immediate supervisor, the evaluator's supervisor and the Committee on Professional Evaluation.

ARTICLE 5: MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE UNIVERSITY OF NEW YORK AND UNITED UNIVERSITY PROFESSIONS RELATING TO A SYSTEM OF PROMOTION AND CERTAIN SALARY INCREASES FOR PROFESSIONAL EMPLOYEES¹²

I. Promotion Policy

It shall be the policy of the University to give consideration for promotion to all professional employees in the Professional Services Negotiating Unit and to permit the promotion of any such professional employee as hereinafter provided.

II. Definitions

A. the following terms shall be defined as provided in Article 4 of the collective bargaining Agreement between the State of New York and the United University Professions: "University," "professional employee," "college president," "college."

B. "Professional position" or "position" shall mean a position in the Professional Services Negotiating Unit other than a position of academic or qualified academic rank.

C. "Promotion" shall mean an increase in a professional employee's basic annual salary accompanied by movement to a higher salary level with a change in title:

(1) resulting from a permanent significant increase or change in the employee's duties and responsibilities as a consequence of movement from one position to another of greater scope and complexity of function at the same or different campus; or

(2) resulting from a permanent significant increase in the employee's duties and responsibilities as a consequence of a permanent increase in the scope and complexity of function of the employee's position.

The criteria to be used in considering an employee for promotion shall be those defined in Section III, Paragraph D.

III. System of Promotion

A. Professional Ranks

The university shall establish six salary levels designated 1, 2, 3, 4, 5 and 6.¹³

B. University Review Board

The University shall maintain a University Review Board to review appeals in accordance with appropriate provisions of Paragraph E (2) below from decision of the college president not to make promotions of the type defined in Section II, Paragraph C (2).

Note: The 1982-1985 Agreement Between UUP and NYS negotiated the "Arthur Young Study" establishing the 6 salary levels. SUNY Provost Burke's 8-19-87 and 8-6-87 Memos and SUNY's 9-6-89 Memo are included in Appendices.

C. College Review Panel

Each college president shall continue the procedure by which the professional employees shall elect a College Review Panel. Such Panel shall consist of not less than five (5) nor more than seven (7) members elected at large by all professional employees in the negotiating unit. The Panel shall:

(1) review applications for promotions of the type defined in Section II, Paragraph C (2) and make decisions and recommendations with respect to such applications in accordance with appropriate provisions of Paragraph E (2); and

(2) review applications for salary increases resulting from a permanent and significant

¹² Signed August 8, 1989 by SUNY: D. Bruce Johnstone, Chancellor; Joyce Yapple Villa, Assistant Vice Chancellor for Employee Relations; Raymond L. Haines, Jr., Director of Employee Relations; and by UUP: John Reilly, President; Thomas Corigliano, Vice

President for Professionals; Anthony D. Wildman, Associate Director of Staff.

¹³ Refer to September 6, 1989 Memorandum from Stephen J. Beditz, SUNY Director of Personnel Services, regarding "Draft Point Factor Analysis."

increase in duties and responsibilities which are not accompanied by a change in title or rank.

D. Criteria for Promotion

(1) The criteria to be used in considering an employee for promotion shall be those which relate to the particular type of duties and responsibilities for which the employee is being considered; for example:

(a) Effectiveness in performance --as demonstrated, for example, by success in carrying out assigned duties and responsibilities, efficiency, productivity, and relationship with colleagues. In the case of University professional employees, satisfactory supervisory evaluations of a professional employee's performance at the present level of duties and responsibilities shall be considered. Additionally, supervisory comments on such evaluation regarding the professional employee's projected capabilities to function at an increased level of responsibility shall also be considered.

(b) Mastery of specialization--as demonstrated, for example, by degrees, licenses, honors, awards, and reputation in professional field.

(c) Professional ability--as demonstrated, for example, by invention or innovation in professional, scientific, administrative, or technical areas; i.e., development or refinement of programs, methods, procedures, or apparatus.

(d) Effectiveness in University service--as demonstrated, for example, by such things as successful committee work, participation in local campus and University governance, and involvement in campus or University-related student or community activities.

(e) Continuing growth--as demonstrated, for example, by continuing education, participation in professional organizations, enrollment in training programs, and research.

The foregoing criteria and examples thereof are presented for descriptive and explanatory purposes only and are in no way intended to be all inclusive.

E. Method of Promotion

(1) Vacant Position

(a) Promotions of the type defined in Section II, Paragraph C (1) shall be made as follows:

See additional "Professional Promotion Plan" dated May 16, 1988 from SUNY Plattsburgh's Janet Saunders in Appendices, which is secondary to the Memorandum of Understanding on Promotion.

Comment [NYSUT1]:

i) Colleges shall notify the University Office of Personnel Services of all present or potential vacancies in positions in the Professional Service Negotiating Unit which are intended to be filled. The University shall announce position vacancies of which it has been notified and shall provide proposed salary rates, minimum qualifications, and brief descriptions of the positions. The announcements shall also specify information required from applicants for each such position and shall contain time limits for the receipt by the college of applications. All professional employees who file an application with the appropriate college within the specified time limitations shall be considered for the position for which they have applied.

ii) The college may elect to conduct personal interviews. In that event the college may select from among all applicants for a position those for whom personal interviews will be arranged. In such cases, all applicants shall be notified whether they have been selected for an interview. Applicants who are not selected for personal interviews will be advised that they will not receive further consideration for promotion to the current vacant position for which they applied.

iii) Prior to promoting or appointing the successful applicant the college shall inform all remaining unsuccessful applicants of their nonselection. The college decision shall be final, provided, however, that all promotions or appointments shall be subject to approval in accordance with Policies of the Board of Trustees.

(b) If, in the judgment of the college president, and pending the completion of the procedures described herein, an emergency exists which requires any such vacant position to be filled immediately, an employee may be offered the position on an interim basis. If the position is filled on a permanent basis by another person, such employee shall return to the employee's previous position without loss of benefits.

(c) Each college or the University, as the case may be, will make a good faith effort to comply with provisions of (a) above. The failure of any college or of the University, as the case may be, to announce position vacancies or otherwise to follow procedures in (a) above, or the failure of individual professional employees to be made aware of such announcements or to file an application for vacant positions as provided in (a) above shall not affect or operate to invalidate any promotion or appointment to such vacant positions nor shall anything contained herein be construed to require a college or the University to make promotions or appointments from among professional employees presently employed by the University.

(2) Present Position

(a) Any employee who meets the criteria defined in Section III, Paragraph D(1) may apply for promotions of the type defined in Section II, Paragraph C(2) provided that the employee first has requested a recommendation for such a promotion from the employee's immediate supervisor and the request has been denied at an organizational level below that of the college president. Application for promotion must be made by completing forms to be provided by the University and submitting them to the College Review Panel.

(b) The Panel shall review all such applications for promotion. If it determines that the increase or change in duties and responsibilities under consideration does not warrant promotion, the Panel shall notify the employee. Further appeal from such determination of the College Review Panel shall not be permitted.

If the Panel determines that the increase or change in duties and responsibilities under consideration warrants promotion, it shall forward its recommendations to the college president. A copy of such recommendation shall be sent to the applicant.

The decision of the college president shall be final, provided, however, that a decision by the college president which is claimed by the applicant to be arbitrary or capricious may be appealed on such basis to the University Review Board by such person in accordance with appropriate provisions stated below. A copy of such appeal shall also be sent to the college president. In the event of such appeal the college president may forward the President's recommendation to the University Review Board. A copy of such recommendation, if any, shall also be sent to the College Review Panel and the applicant.

(c) In considering appeals from decisions of the college president not to promote which decision are claimed to be arbitrary and capricious, the University Review Board or its designee shall: review recommendations from the College Review Panel and college president; examine the duties, responsibilities, scope and complexity of the position involved; and determine by appropriate means and standards, which may include but not be limited to tests of internal and external consistency, desk audits and other commonly accepted review methods, whether promotion is warranted. The University Review Board's decision shall be final.

(d) Applications for promotion which are disapproved may not be resubmitted for a period of either eighteen (18) months, or until the employee's performance program has been changed, whichever is sooner, following a disapproval by the College Review Panel, by the president or if an appeal is taken to the University Review Board, by that Board.

IV. Salary Increase

An employee who has been assigned a permanent and significant increase in duties and responsibilities as demonstrated by the employee's performance program may apply for a salary increase provided that the employee first has requested a recommendation for such a salary increase from the employee's immediate supervisor and been denied at an organizational level below that of the college president. Application for a salary increase must be made by completing forms to be provided by the University to which are attached the current performance program and the next most recent performance program and submitting them to the College Review Panel.

The Panel shall review all such applications for salary increase submitted in accord with these guidelines. If it determines that the increase or change in duties and responsibilities under consideration does not warrant a salary increase, the Panel shall notify the employee,

college president and immediate supervisor. Further appeal from such determination of the College Review Panel shall not be permitted.

If the panel determines that the increase or change in duties and responsibilities under consideration warrants a salary increase, it shall forward its recommendations to the college president. A copy of such recommendation shall be sent to the applicant.

The decision to provide a salary increase is within the discretion of the college president and the college president's decision shall be final.

V. Notwithstanding anything contained herein a college president may:

A. with respect to the type of promotion defined in Section II, Paragraph C(2), promote or recommend for promotion, as the college president's scope of authority permits, any professional employee on the campus; and

B. make upward adjustments in the salary of individual employees.

ARTICLE 6: OUTLINE OF THE REVIEW PROCESS

The consultation process for the performance review of professional employees provides a series of reviews, written recommendations, and opportunities for written responses.

- Step 1:** Professional employee submits review file to Immediate Supervisor [see "*Review File Procedures*" section of this document]. In compliance with provisions of this document, the Immediate Supervisor collects written recommendations from Secondary Reviewers when they are identified in the professional employee's annual written performance program. Secondary Reviewers are to be notified to prepare written recommendations in compliance with all provisions of this document.
- Step 2:** Review and written recommendation by the Immediate Supervisor [see "*Structure of the Review Process*" section this document] followed by a period during which the professional employee may submit to the review file a written response to the Immediate Supervisor's recommendation.
- Step 3:** Review and written recommendation by the Dean or MC Equivalent, if any [see "*Structure of the Review Process*" section of this document], followed by a period during which the professional employee may submit to the review file a written response to the Dean's recommendation, if any.
- Step 3a:** Optional procedure if evaluation of Immediate Supervisor or Dean or MC Equivalent, if any, is "unsatisfactory" [see *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees* reproduced in this document].
- Step 4:** Review and written recommendation by the Provost/Vice President [see "*Structure of the Review Process*" section of this document] followed by (1) a period during which the professional employee may submit to the review file a written response to the recommendation of the Provost/Vice President, and (2) a period during which the professional employee may examine the review file to be submitted to the President [Article 31.6a of the *Agreement Between United University Professions and The State of New York*].
- Step 4a:** Optional procedure if promotion is denied below the level of President [see *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees* reproduced in this document].
- Step 5:** Decision by College President: All evidence, recommendations, and responses are submitted to the President for his or her decision [see "*Structure of the Review Process*" section of this document].

ARTICLE 7: SECONDARY REVIEWERS¹⁴

7.1. REQUIREMENTS

¹⁴ Refer to *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees*.

Where the professional employee's annual performance program includes a Secondary Reviewer, such Secondary Reviewers must hold permanent or continuing appointment, or be classified as New York State management/confidential employees at the State University of New York College of Arts and Science at Plattsburgh.

7.2. COMPOSITION

Secondary Reviewers are identified after consultation between the professional employee and the Immediate Supervisor.

Other than casual and temporary employees [see "*Temporary Appointments*" and "*Casual Appointments*" in the *Appendices* of this document], all professional and academic employees holding permanent or continuing appointment are eligible to serve as Secondary Reviewers.

7.3. DISQUALIFICATIONS

Secondary Reviewers who are being reviewed may excuse themselves from all participation. Otherwise, Secondary Reviewers designated in a professional employee's performance program may not excuse themselves from participating in a given review. For exceptional reasons, Secondary Reviewers may excuse themselves from participating in a given review.

7.4. CONDUCT OF THE SECONDARY REVIEWER

Secondary Reviewers will review evidence in the review file [see "*Criteria for Performance Review*" and "*Review File Procedures*" sections of this document] and will assess the professional employee's performance with respect to the established criteria [see "*Criteria for Performance Review*" section of this document]. Secondary Reviewers will submit to the review file and the employee being reviewed an independent written recommendation. Secondary Reviewers must record their votes on the Professional Employees' Personnel Review Transmittal Form.

ARTICLE 8: STRUCTURE OF THE REVIEW PROCESS

8.1. STEP 2: REVIEW AND WRITTEN RECOMMENDATION BY IMMEDIATE SUPERVISOR

In compliance with the deadline established in the Performance Review Calendar for Professional Employees and provisions of this document, the professional employee's Immediate Supervisor will conduct an independent review of the material in the review file and submit a written recommendation to the review file, and concurrently send a copy to the professional employee.

8.2. STEP 3: REVIEW AND WRITTEN RECOMMENDATION BY THE DEAN OR MC EQUIVALENT, IF ANY

In compliance with the deadline established in the Performance Review Calendar and provisions of this document, the professional employee's Dean, or equivalent management/confidential employee, if any, will conduct an independent review of the material in the review file and submit a written recommendation to the review file, and concurrently send a copy to the professional employee and the professional employee's Immediate Supervisor.

8.3. STEP 3A: OPTIONAL PROCEDURE IF EVALUATION OF IMMEDIATE SUPERVISOR OR DEAN OR MC EQUIVELANT, IF ANY, IS "UNSATISFACTORY"

See Sections V.(9) and VI. of the *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees* reproduced in this document.

8.4. STEP 4: REVIEW AND WRITTEN RECOMMENDATION BY THE PROVOST/VICE PRESIDENT HAVING JURISDICTION

In compliance with the deadline established in the Performance Review Calendar for Professional Employees and provisions of this document, the Provost/Vice President having jurisdiction will conduct an independent review of the material in the review file and submit a written recommendation to the review file, and concurrently send a copy to the professional employee, the Dean/professional employee's Immediate Supervisor.

8.5. STEP 4A: OPTIONAL PROCEDURE IF PROMOTION IS DENIED BELOW THE LEVEL OF PRESIDENT

See Sections III.C. and III.E.(2) of the *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees* reproduced in this document.

8.6. STEP 5: DECISION BY THE COLLEGE PRESIDENT

In compliance with the notice requirements and other provisions established in the *Policies of the Board of Trustees, State University of New York*, and provisions of *The Agreement Between United University Professions and The State of New York*, and provisions of this document and its Performance Review Calendar for Professional Employees, the College President will conduct an independent review of all the material in the review file examined by the professional employee as provided by Article 31.6a of the *Agreement Between United University Professions and The State of New York*, and at his or her discretion may consider material in the official personnel file, and will issue a notice of his or her decision to the professional employee. Concurrently, the College President will send a copy of his or her decision to the Provost/Vice President having jurisdiction, the Dean or MC Equivalent, if any, the Immediate Supervisor, the Committee on Professional Evaluation, if any, the College Review Panel, if any, and the Vice President for Professionals of United University Professions Plattsburgh Chapter.

In the event of a decision not to recommend the professional employee to the Chancellor of the State University of New York for the grant of permanent appointment, the notice issued by the College President will also inform the professional employee of Article 33 of the *Agreement Between United University Professions and The State of New York*.

ARTICLE 9: CRITERIA FOR PERFORMANCE REVIEWS

9.1. CRITERIA

The criteria to be used to formulate and support performance review recommendations are those specified in *Policies of the Board of Trustees, State University of New York* and the two *Memoranda of Understanding* reproduced in this document.

9.2. USE OF CRITERIA

At every stage of the review process, reviewers will comment on the individual's professional performance in the categories established by the Board of Trustees of the State University of New York.

9.3. STAFFING AND PROGRAM NEEDS

Reviewers who are professional or academic employees and are members of the Professional Services Negotiating Unit represented by United University Professions may not cite staffing, program, or fiscal needs as a reason for a negative performance review recommendation.

9.4. ELABORATIONS ON CRITERIA

A professional employee's performance program may include specific elaborations on the Board of Trustees' and SUNY College of Arts and Science at Plattsburgh criteria which clarify expectations for professional employee performance by showing how the criteria can be applied to the professional employee's performance program. Prior to use, such elaborations must be reviewed and approved in writing by the College President when the College President reviews the evaluation and the next assigned performance program..

ARTICLE 10: REVIEW FILE PROCEDURES

Article 31.6b of the *Agreement Between United University Professions and The State of New York* provides for the maintenance of a "file of evaluative material" in connection with consideration of a professional employee for appointment, reappointment, or promotion. At the State University of New York College of Arts and Science at Plattsburgh, such files are called "review files."

The professional employee may access his or her review file [see Article 12 of this document] to determine compliance with provisions of this document, *Policies of the Board of Trustees, State University of New York*, and the *Agreement Between United University Professions and The State of New York*. The professional employee may consult the Grievance Officer of the United University Professions Chapter at Plattsburgh regarding alleged violations or other irregularities of any type or nature of this document. Professional employees are encouraged to examine their review files at every opportunity provided in the Performance Review Calendar for Professional Employees to ensure compliance with provisions of this document. Receipt of copies of recommendations submitted to the review file is not intended to void these scheduled opportunities to assure compliance with this document.

ARTICLE 11: CONSTRUCTION AND CONTENT OF THE REVIEW FILE

11.1. PREPARATION

Each professional employee will prepare his or her review file. Except as specifically provided for elsewhere in this document, only the professional employee may submit items to his or her review file. The review file must be submitted to the appropriate Immediate Supervisor in accordance with the established Performance Review Calendar for Professional Employees.

The professional employee may select the transmittal container (*e.g.*, file folder, ring binder, accordion folder, etc.) best suited to the presentation of evidentiary materials. Because the review file will be deposited in the Official Personnel File at the end of the review period, the review file should contain summaries of supporting exhibit materials rather than the actual materials. The professional employee should retain originals in a master file that may be used for the preparation of future review files. Copying facilities and supplies will be provided by the SUNY College of Arts and Science at Plattsburgh without financial expense to the professional employee.

11.2. REQUIRED CONTENTS

Each review file must be labeled with the professional employee's name, rank/title, and department/center/division/or other organizational level at the College, and must contain the following:

- 1) Professional Employees' Personnel Review Transmittal Form [see *Appendices* to this document];
- 2) An inventory sheet [see *Appendices* to this document] listing the contents of the review file. It is the professional employee's responsibility to complete the inventory sheet for all materials he or she submits to or solicits for the review file. The professional employee must sign the inventory sheet. Any Immediate Supervisor who places evidentiary material in the review file as authorized by this document must list the item(s) and sign his or her name in the space(s) provided.
- 3) Record of Access [see *Appendices* to this document] to the review file which must be signed and dated by all persons who examine the review file;
- 4) A current resume;
- 5) Past performance review recommendations and President's decisions prepared after the date of implementation of this document. Professional employees who are being reviewed for reappointment, term renewal, or permanent appointment must include in an appendix to the review file a copy of all written performance review recommendations and President's decisions completed at the College during prior performance reviews of the professional employee since the professional employee's initial appointment at the College. Copies may be obtained without cost to the professional employee from the President's Designee for Employee Relations.

11.3. SUGGESTED EVIDENCE SUBMITTED BY THE PROFESSIONAL EMPLOYEE

Professional employees are advised to include a self appraisal statement and evidence that addresses all of the criteria set forth in this document and to divide the review file into clearly marked sections dedicated to each criterion. A summary of supporting exhibit materials (*e.g.*, efficiency, productivity, relationship with colleagues, degrees, licenses, honors, awards, and other indices of reputation in professional field, invention or innovation in professional, scientific, administrative, or technical areas; *i.e.*, development or refinement of programs, methods, procedures, or apparatus, college and university public service, committee work, continuing education, participation in professional organizations, enrollment in training programs, research, improved job performance and increased duties and responsibilities, etc.) rather than the actual

materials should be included in the review file. Exhibit materials which are specifically referred to in this manner will be considered official supportive evidence for review. Normally, exhibit materials will accompany the review file; however, if exhibit materials are especially cumbersome or immovable, the professional employee will indicate in the review file where the materials can be viewed by reviewers. Exhibit materials that do not accompany the review file must be made available on request during normal business hours.¹⁵ Professional employees may include Annual Professional Activities Reports in the review file submitted for appointment, reappointment, term renewal, permanent appointment, promotion, or any other purpose where a professional employee's performance may be a relevant consideration.

11.4. EVIDENCE SUBMITTED DURING THE REVIEW PROCESS

The professional employee may submit additional material deemed pertinent to the performance review at any time during the performance review process provided that such evidence was not available at the time the review file was originally submitted. At the request of the professional employee, the College President may waive this restriction at his or her discretion.

11.5. CURRENT PERFORMANCE REVIEW RECOMMENDATIONS

Copies of all written performance review recommendations made by reviewers and any written responses submitted by the professional employee must be entered in the review file prior to its submission to the President in accordance with the Performance Review Calendar for Professional Employees.

11.6. EVIDENTIARY MATERIALS SUBMITTED BY A SUPERVISOR

Immediate Supervisors (and only Immediate Supervisors) may submit evidentiary materials to a professional employee's review file under the following conditions:

- a) The evidence must be presented to the professional employee no less than five (5) working days prior to the date in the Performance Review Calendar for Professional Employees by which the professional employee must submit the review file.
- b) All evidence must bear the signature, status, and verifiable address of the author. All authors must indicate in their letters the dates, duration, and context in which they became familiar with the professional work of the professional employee under review.
- c) Submitted materials must consist only of pertinent evidence attesting to elements of the professional employee's performance of his or her performance program. Hearsay or unsubstantiated claims and information unrelated to the performance program is excluded from the review file.

If the professional employee and his or her Immediate Supervisor disagree about the nature of the claims and information and whether the letter or other materials should be excluded from the review file, the professional employee may request in writing to the Provost/Vice President having jurisdiction a review of the material in question. The performance review process for the professional employee will be suspended from the time of his or her request for a review until the following procedure is completed.

¹⁵ Refer to "Definitions" in Appendices.

The Provost/Vice President having jurisdiction will refer the request to an *ad hoc* committee consisting of one management/confidential employee and two professional employees with permanent appointment at the College. One member will be designated by the professional employee, and one member will be designated by the Provost/Vice President having jurisdiction. The third member will be selected by the two designated members. Within five (5) working days, this committee will review this document, ***Performance Review of Professional Employees: Policies and Procedures: An Agreement Between the State University of New York College of Arts and Science at Plattsburgh and United University Professions***, and the written appeals of the professional employee and Immediate Supervisor, as well as the material in question, and submit their written recommendation to the professional employee, the Immediate Supervisor, and the Provost/Vice President having jurisdiction. Upon receipt of the recommendation of the *ad hoc* committee, the Provost/Vice President having jurisdiction will render a decision. If no decision is rendered by the Provost/Vice President having jurisdiction within five (5) additional working days, the material will not be added to the review file, unless the Provost/Vice President having jurisdiction and the Vice President for Professionals of the Plattsburgh Chapter of United University Professions mutually agree to extend the deadline for an additional five (5) working day period.

If the professional employee under performance review loses his or her appeal to exclude the material, the material will be added to the review file as authorized by the relevant section of this document. If the Immediate Supervisor loses his or her appeal to include the material, no communication of the material will be made to the review file, other reviewers, or included in the Immediate Supervisor's recommendation.

11.7. DOCUMENTED EVIDENTIARY MATERIALS IN THE PUBLIC DOMAIN

Reviewers may consider evidentiary materials which adhere to the State University of New York Board of Trustees' criteria even if they are not included in the review file, which are written by persons with expertise in the professional employee's occupational field/professional discipline. Should reviewers consider such documented evidence, they must attach a copy to the written recommendation submitted to the review file and the professional employee.

11. 8. OFFICIAL PERSONNEL FILE

For the purposes of performance review specified in this document which defines the consultative process provided in Articles XI and XII of the ***Policies of the Board of Trustees, State University of New York***, materials in the Official Personnel File shall not be used unless submitted in compliance with this document. The College President may consider material in the Official Personnel File at his or her discretion.

ARTICLE 12: ACCESS TO REVIEW FILE

12.1. ACCESS BY PROFESSIONAL EMPLOYEES TO THE REVIEW FILE

The professional employee may consult his or her review file at any time except when the review file is scheduled by the Performance Review Calendar for Professional Employees for use by a review committee or individual.

12.2. ACCESS TO THE REVIEW FILE BY OTHERS FULFILLING OFFICIAL UNIVERSITY PURPOSES

Article 31.3 of the ***Agreement Between United University Professions and The State of New York*** provides:

"A designated member of UUP, having written authorization from the employee concerned, and in the presence of a representative of the University, may examine the official personnel file of the employee, except for the limitation provided above, if the examination relates to a filed grievance, a grievance in preparation, or written notice of discipline served upon the employee by the University."

12.3. ACCESS TO THE REVIEW FILE BY A DESIGNATED MEMBER OF THE NEGOTIATING UNIT

A designated member of the negotiating unit, having written authorization from the professional employee concerned, and in the presence of a representative of the College, may examine the review file, if the examination is related to a filed grievance, a grievance in preparation, or written charges preferred against the professional employee by the University. Copies of materials in the professional employee's review file to which the professional employee is permitted access pursuant to provisions of the ***Agreement Between United University Professions and The State of New York*** will be made available to the professional employee upon request without cost.

12.4. REVIEWERS DESIGNATED IN THIS DOCUMENT

Reviewers designed in this document will have access to a professional employee's review file during the review period assigned to them by provisions of this document, including the Performance Review Calendar for Professional Employees.

12.5. PROHIBITION AGAINST ACCESS

Article 31.5 of the ***Agreement Between United University Professions and The State of New York*** provides: "Unless prohibited by law, an employee shall be notified of any request for access to the employee's official file other than related to official University purposes." No other persons or institutions will have access to the review file except with the full knowledge and written consent of the professional employee.

ARTICLE 13: PROCEDURES FOR USE OF THE REVIEW FILE

13.1. The location of the review file during the performance review process shall be indicated in the Performance Review Calendar for Professional Employees. At each step of the process, the review file must be kept in a secure and locked place.

13.2. In conformance with Article 31.6c of the ***Agreement Between United University Professions and The State of New York***, the professional employee has the right to examine and respond to material placed in his or her review file after the file has been submitted to the President but prior to the President's consideration of its content. The dates and location for this review are provided in the Performance Review Calendar for Professional Employees.

13.3. The written recommendations and attachments will be submitted to the review file with a copy to the professional employee by the Immediate Supervisor, Dean or MC Equivalent, if any, the Committee on Professional Evaluation, if any, the College Review Panel, if any, and the Provost/Vice

President having jurisdiction. The President will send the notice of his or her decision to the professional employee, and a copy will be submitted to the review file and to the chairpersons of review committees and administrators who participated in the professional employee's performance review process.

13.4. Following the issuance of the College President's decision, the review file will be deposited in the Official Personnel File.

13.5. Performance review file evidence will not be removed from the review file during any step of the process.

13.6. In accordance with Article 33 of the ***Agreement Between United University Professions and The State of New York***, [see "*Policies*" section of the *Appendices* of this document] nothing in this document shall prevent a professional employee under review for permanent appointment from seeking a review by a Chancellor's Advisory Committee of a negative decision by the College President, or a professional employee under review for promotion from seeking a review by the University Review Board.¹⁶

ARTICLE 14: ANNUAL PROFESSIONAL ACTIVITIES REPORT

14.1. REQUIRED REPORT

By September 1 of each year, each professional employee (with the exception of those classified as "casual," [see "*Casual Appointment*" section of the *Appendices* to this document] for whom reports are optional) will submit to the College President, or his or her designee, an Annual Professional Activities Report for the term of obligation last ended [see "*Policies*" section of the *Appendices* to this document].

14.1.1. Full-Time Employees

Professional employees will include in the Annual Professional Activities Report information pertaining to the performance of their professional obligation [see "*Policies*" section of the *Appendices* to this document] in each of the categories established in the structure of the review process defined in this document and any other information they deem worthy of inclusion.

14.1.2. Part-Time Employees

Professional employees will include in the Annual Professional Activities Report information pertaining to their performance of the duties assigned to them in their letters of appointment [see Article 30.4 of the ***Agreement Between United University Professions and The State of New York*** and "*Policies*" section of the *Appendices* to this document] as well as any other information they deem worthy of inclusion, especially information pertaining to the performance of their professional obligation in each of the categories established in the "*Criteria for Performance Review*" section of this document.

¹⁶ Refer to Section III of the *Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees* reproduced in this document.

14.2. USE OF THE ANNUAL PROFESSIONAL ACTIVITIES REPORT IN THE PERFORMANCE REVIEW PROCESS

Professional employees may include Annual Professional Activities Reports in the review file submitted for appointment, reappointment, term renewal, permanent appointment, promotion, or any other purpose where a professional employee's performance may be a relevant consideration.

ARTICLE 15: IMPLEMENTATION

15.1. This document, *Performance Review of Professional Employees: Policies and Procedures: An Agreement Between the State University of New York College of Arts and Science at Plattsburgh and United University Professions*, is effective at the start of the Fall 1996 semester. The document supersedes and replaces any and all existing policies and procedures, whether at the department, center, division, or other organizational level of the College.

15.2. Any changes in philosophy, policy, procedure or practice contained in this document shall not disadvantage or otherwise harm professional employees who have been striving to meet previously established standards. All reviewers must bear this in mind.

15.3. The process for election and appointment of reviewers will begin upon the signing of this document.

15.3.1. The (2) members selected by the College President to serve on the **Committee on Professional Evaluation** will, like the (3) elected members, be professional employees serving in positions in the negotiating unit.

15.3.2. After the initial election, subsequent elections for the **College Review Panel** will run simultaneously with campus elections for the academic Promotion Review Board.

15.4. It is the responsibility of the President of the State University of New York College of Arts and Science at Plattsburgh, and his or her designee, in consultation with the President of the United University Professions Chapter at Plattsburgh, and his or her designee, to implement this document.

15.5. In the event that a Secondary Reviewer cannot serve under the provisions of this document due to an insufficient number of individuals holding permanent appointment, the President of the College will propose to the President of the Plattsburgh Chapter of United University Professions for approval a method for establishing an appropriate Secondary Reviewer in substantial compliance with the principles established in this document.

APPENDICES

SELECTED "POLICIES OF THE BOARD OF TRUSTEES, STATE UNIVERSITY OF NEW YORK" AND SELECTED ARTICLES OF THE "AGREEMENT BETWEEN UNITED UNIVERSITY PROFESSIONS AND THE STATE OF NEW YORK"¹⁷

Article XI, Title A, Section 1 of the *Policies of the Board of Trustees, State University of New York* is:

Procedure. The chief administrative officer of a college, after seeking consultation, may appoint, reappoint, or recommend to the Chancellor for appointment or reappointment, as may be appropriate to the nature of the appointment provided for herein, such persons as are, in the chief administrative officer's judgment, best qualified. For purposes of this Article, the term "consultation" shall mean consideration by the chief administrative officer of a college of recommendations of academic or professional employees, including the committees, if any, of the appropriate department or professional area, and other appropriate sources in connection with appointment or reappointment of a specified employee; provided, however, that nothing contained herein shall prevent the chief administrative officer of a college from taking such actions as he or she may deem necessary to meet notice requirements in the event of nonrenewal of term appointments.

Article XII, Title C, Section 1 of the *Policies of the Board of Trustees, State University of New York* is:

Policy. It is the policy of the University to evaluate on a regular basis the performance of all professional employees and to give such employees consideration for promotion. The Chancellor or designee shall provide for the administration of systems for evaluation and promotion of such employees.¹⁸

Article XI, Title H, Section 2 of the *Policies of the Board of Trustees, State University of New York* is:

Professional Obligation. The professional obligation of an employee consistent with the employee's academic rank or professional title, shall include teaching, research, University service and other duties and responsibilities required of the employee during the term of the employee's professional obligation.

¹⁷ Refer to complete documents for complete policies and articles.

¹⁸ Refer to: 1) Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Evaluation for Professional Employees, and
2) Memorandum of Understanding Between The State University of New York and United University Professions Relating to a System of Promotion and Certain Salary Increases for Professional Employees.

Article XI, Title H, Section 1 of the *Policies of the Board of Trustees, State University of New York* is:

Term of Obligation. The term of professional obligation, except in the case of part-time or temporary employment where the obligation may be less, shall be one of the following as determined by the chief administrative officer, or designee:

- (a) **Calendar year** obligation - an annual obligation of service for the full year, i.e. 12 months; or
- (b) **Academic year** obligation - an annual obligation of service for the academic year, not to exceed 10 months; or
- (c) **College year** obligation - an annual obligation or service for any period less than the full year.

Article XI, Title H, Section 1 of the *Policies of the Board of Trustees, State University of New York* is:

Temporary appointment. A temporary appointment shall be an appointment which may be terminated at any time. Temporary appointments ordinarily shall be given only when service is to be part-time, consistent with section 2 of Title D, Article XI, voluntary, or anticipated to be for a period of one year or less, or when an employee's initial appointment in the University is made to a position vacated by a professional employee who is serving a probationary appointment pursuant to Title C, section 5, or Title D, section 6. A temporary appointment is also appropriate whenever a position has been vacated by an employee on approved leave.

Article XI, Title C, of the *Policies of the Board of Trustees, State University of New York* is:

Permanent Appointment.

1. Definition.

(a) A permanent appointment shall be an appointment of a professional employee in a professional title which is eligible for permanent appointment which shall continue until a change in such title, resignation, retirement, or termination.

(b) A professional employee who serves in a professional title listed in Appendix A of this Article shall not be eligible for permanent appointment and shall not be covered by this Title during service in such professional title. Such professional employee shall be appointed pursuant to the procedures in Title D of this Article.

2. Method of Appointment. The Chancellor, after considering the recommendation of the chief administrative officer of the college concerned, may grant permanent appointment in professional title to such persons who, in the Chancellor's judgment, are best qualified.

3. Initial Appointment. A person who is appointed to a professional title in which permanent appointment may be granted, must be granted a temporary appointment for the first year of that person's employment in such title when the appointment is made to a position vacated by a professional employee who is serving a probationary appointment pursuant to Title C, section 5 or Title D, section 6, otherwise the person shall be granted a

term appointment, except where a temporary appointment is appropriate. Upon completion of the initial temporary or term appointment, the professional employee may be granted a further appointment in accordance with this Article. Service in a temporary appointment pursuant to this section shall be counted toward the satisfaction of the eligibility requirements for initial permanent appointment.

4. Eligibility for Initial Permanent Appointment.

(a) Except as provided in subdivision (a) (1), (a) (2) and (b) of this section and in paragraph (b) (2) of Section 5 of this Title, at any college further employment, in a professional title in which permanent appointment may be granted, of a professional employee at that college, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the Chancellor.

(1) Upon completion of three consecutive years of full-time service as a professional employee at that college, the last year of which has been in that professional title, a professional employee in a title eligible for permanent appointment in any of the first four salary ranks may request early consideration for permanent appointment. Such request must be in writing and submitted to the chief administrative officer of the college no later than nine months prior to the date upon which such employee would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the chief administrative officer of the college grants the employee's request for such early consideration, any further employment of that employee after completion of five consecutive years of full-time service as a professional employee at that college, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the Chancellor.

(2) Upon completion of four consecutive years of full-time service as a professional employee at that college, the last year of which has been in that professional title, a professional employee in a title eligible for permanent appointment in any of the first four salary ranks may request early consideration for permanent appointment. Such request must be in writing and submitted to the chief administrative officer of the college no later than nine months prior to the date upon which such employee would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the chief administrative officer of the college grants the employee's request for such early consideration, any further employment of that employee after completion of six consecutive years of full-time service as a professional employee at that college, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the Chancellor.

(b) Additional Appointments. A professional employee holding a permanent appointment or a term appointment at one college who is appointed to a professional title at another college may be given that appointment for a term not to exceed three years.

(c) Service Credit.

(1) In determining eligibility for permanent appointment under this section, satisfactory full-time prior service in a professional title at any one college of the University may, at the request of the professional employee and in the discretion of the Chancellor, or designee, be credited as service, up to a maximum of three years, at the time of appointment at another college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of appointment at that college.

(2) In computing consecutive years of service for the purposes of appointment or reappointment of professional employees, periods of leave of absence at full salary and

periods of full-time service in probationary and temporary appointments granted pursuant to this Title shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service for other purposes.

5. Change in Professional Title.

(a) A professional employee holding a term appointment or permanent appointment in professional title who is appointed to a different professional title at the same college, shall be given a probationary appointment in the different professional title.

(1) A professional employee holding permanent appointment in professional title who completes a probationary appointment in a different professional title shall be granted a permanent appointment in the different professional title only and shall not retain the permanent appointment in the former professional title.

(2) A professional employee who is serving on a term appointment in professional title and completes a probationary appointment in a different title shall be granted a new term appointment as appropriate in the new professional title and shall not retain a term appointment in the former professional title. The new term appointment shall be for a duration not less than the unexpired time of the previous term appointment. Service in the probationary appointment shall count toward satisfaction of the eligibility requirements for permanent appointment.

(b) At any time during the probationary appointment, the appointing authority may require the employee to return to his or her former professional title and such action shall be accomplished as soon as practicable.

(1) A professional employee holding a permanent appointment in a professional title and serving a probationary appointment in a different professional title who so returns to the employee's former professional title resumes permanent appointment in the former professional title.

(2) A professional employee holding a term appointment in a professional title and serving a probationary appointment in a different professional title who so returns to the employee's former professional title shall have service in the probationary appointment counted towards the satisfaction of the eligibility requirements for permanent appointment except as provided herein. Should such employee so return, he or she shall be granted a new term appointment in the employee's former professional title and shall not be eligible for permanent appointment in such former professional title until expiration of that term appointment at the earliest. Notice that a term appointment in this circumstance will be allowed to expire shall be given at the appropriate time prior to the expiration of that new term appointment.

(3) Basic annual salary protected. Upon returning to the employee's former professional title pursuant to this section, a professional employee shall receive his or her former basic annual salary and, in addition, any improvements thereof which would have been earned had the employee remained in that professional title.

Article XI, Title E of the *Policies of the Board of Trustees, State University of New York* is:

Probationary Appointment.

1. Definition. A probationary appointment shall be an appointment for a period of one year which must be granted to a professional employee holding a professional title in which permanent appointment may be granted at a college of the University when the employee is appointed to a different professional title in which permanent appointment may be granted at the same college, or when the employee is appointed to a professional title listed in Appendix A of this Article at the same college. A probationary appointment may be terminated at any time in accordance with Title C, section 5, or Title D, section 6.

Article XI, Title D, of the *Policies of the Board of Trustees, State University of New York* is:

Term Appointment.

1. Definition. Except as provided in Section 6 of this Title, a term appointment shall be an appointment for a specified period of not more than three years which shall automatically expire at the end of that period unless terminated earlier because of resignation, retirement or termination.

2. Eligibility.

(a) A term appointment may be given to any person appointed to or serving in a position designated as being in the Professional Services Negotiating Unit.

(b) Part-Time service

(1) Further employment at any college of an individual who has been employed at that college on a part-time basis for six consecutive semesters in a position designated as being in the Professional Services Negotiating Unit shall be on the basis of a term appointment. In computing consecutive semesters of part-time service for the purposes of appointment or reappointment under this subdivision, periods of leave of absence at partial salary or without salary shall not be included, but shall not be deemed an interruption of otherwise consecutive service. An individual who has been granted term appointment but for whom classroom enrollment is inadequate shall have no entitlement to salary, benefits, or any other rights or privileges.

(2) In the event the service of such an individual is interrupted for a period of four consecutive semesters or more, the chief administrative officer of the college may grant the employee any type of appointment as in the chief administrative officer's judgment is appropriate.

3. Method of Appointment. All term appointments shall be made by the chief administrative officer of the college and shall be reported to the Chancellor.

4. Renewal of Term. Except as provided in this Article, term appointments may be renewed by the chief administrative officer of the college for successive periods of not more than three years each; such renewals shall be reported to the Chancellor. No term appointment, of itself, shall be deemed to create any manner of legal right, interest or expectancy in any other appointment or renewal.

5. Notice. In the event a term appointment is not to be renewed upon expiration, the chief administrative officer or the chief administrative officer's representative will notify the appointee in writing not less than:

(a) Forty-five calendar days prior to the end of a part-time service term appointment;

(b) Three months prior to the end of a term expiring at the end of an appointee's first year of uninterrupted service within the University, but not later than March 1 for terms ending in June, July or August;

(c) Six months prior to the end of a term expiring after the completion of one, but not more than two, years of an appointee's uninterrupted service within the University, but not later than December 15 for terms ending in June, July or August; and

(d) Twelve months prior to the expiration of a term after two or more years of uninterrupted service within the University.

Article XI, Title D, §6 of the *Policies of the Board of Trustees, State University of New York* is:

Five-year Term Appointments.

(a) Five-year term appointments are appointments which may be granted only to persons who serve in a professional title listed in Appendix A of this Article. Except for their duration, five-year term appointments shall be subject to the same procedures for methods of appointment, renewal and notice of nonrenewal of term appointments in accordance with the provisions of this Title.

(b) (1) A person whose initial appointment to any college of the University is a professional title listed in Appendix A of this article must be granted term appointments for the first three years of employment in such title at that college. Upon completion of a total three years of consecutive service on such term appointment basis, further appointment in such title at such college and each appointment renewal thereafter in such title at such college shall be for a five-year term appointment.

(2) In the event such person is subsequently appointed to a professional title in which permanent appointment may be granted, that person shall be granted a term appointment in such professional title only and shall not retain the term appointment or the five-year term appointment, as appropriate, in the professional title listed in Appendix A of this Article.

(c) A professional employee holding a permanent appointment or term appointment in a professional title in which permanent appointment may be granted at the same college who is appointed to a professional title listed in Appendix A of this Article at the same college shall be given a probationary appointment in such title listed in Appendix A.

(1) (a) A professional employee holding permanent appointment in professional title who completes a probationary appointment in a professional title listed in Appendix A of this Article, shall be granted a five-year term appointment in the professional title listed in Appendix A of this Article only and shall not retain permanent appointment in the former professional title.

(b) In the event such professional employee is subsequently appointed to the same former professional title held at the college prior to appointment to a professional title listed in Appendix A of this Article, the employee shall resume permanent appointment in such former professional title at the college or to a different college, the employee shall be given a term appointment.

(c) In the event the five-year term appointment of such professional employee is not renewed and, on the effective date of such nonrenewal, a vacancy exists in the same former professional title held on the basis of permanent appointment at the college prior to appointment to a professional title listed in Appendix A of this Article, the employee shall resume permanent

appointment in such former professional title on the effective date of nonrenewal from the five-year term appointment.

(2) (a) A professional employee holding a term appointment in professional title who completes a probationary appointment in a professional title listed in Appendix A of this Article shall be granted a five-year term appointment in such professional title listed in Appendix A only and shall not retain a term appointment in the former professional title.

(b) In the event such professional employee is subsequently appointed to a professional title in which permanent appointment may be granted, the employee shall be granted a new term appointment in such professional title.

(d) At any time during a probationary appointment given in accordance with this section, the appointing authority may require the professional employee to return to the employee's former professional title at the college and such action shall be accomplished as soon as practicable.

(1) A professional employee holding a permanent appointment in a professional title and serving a probationary appointment in a title listed in Appendix A of this Article who so returns to the employee's former professional title shall resume permanent appointment in the former professional title.

(2) A professional employee holding a term appointment in a professional title in which permanent appointment may be granted and serving a probationary appointment in a title listed in Appendix A of this Article who returns to his or her former professional title shall be granted a new term appointment in such former professional title and shall not be eligible for permanent appointment in such former professional title until expiration of that term appointment at the earliest. Notice that a term appointment in this circumstance will be allowed to expire shall be given at the appropriate time prior to the expiration of that new term appointment.

(e) Service Credit

(1) Employees granted term appointments pursuant to subdivisions b (2), c (1), (b) and c (2) (b) herein may, at the request of the professional employees in the discretion of the Chancellor, or designee, be credited, at the time of such appointments, with all prior continuous University service up to a maximum of four years for purposes of eligibility for permanent appointment. Waiver of all or part of this service credit shall be granted upon request of the employee to the chief administrative officer not later than six months after the date of such appointment.

(2) In computing consecutive years of service for the purposes of appointment or reappointment under this section, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this section shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

(f) The Board of Trustees may, from time to time, designate professional titles to be added to or deleted from Appendix A.

7. Service Not Credited. As defined in this Article, service in academic rank shall not be credited as eligible service for permanent appointment. As defined in this Article, service in professional title shall not be credited as eligible service for continuing appointment.

Article 30.1 of the ***Agreement Between United University Professions and The State of New York*** is:

Appointments of employees shall be made in accordance with Article XI of the Policies. After three consecutive years of full-time service on the basis of a temporary appointment, a full-time employee whose employment is continued on the basis of a temporary appointment shall be given the reasons for such appointment. The appropriate remedy for failure to receive such reasons shall be to have them provided.

Article X, Section 1 of the ***Policies of the Board of Trustees, State University of New York*** is:

Composition. The **faculty** of each college shall be **comprised of** the Chancellor, the chief administrative officers and other members of the voting faculty of the college, other members of the academic staff of the college, and such nonvoting administrative officers **and professional staff** as may be designated by the faculty bylaws of the college.

Article XIX, Title A, Section 1 of the ***Policies of the Board of Trustees, State University of New York*** is:

Applicability. The provisions of the Policies of the Board of Trustees, insofar as they apply to employees in negotiating units established pursuant to Article 14 of the Civil Service Law, shall be continued, provided, however, that during periods of time where there is in effect an agreement between the State and an employee organization reached pursuant to the provisions of said Article 14, the provisions of such agreement and the provisions of said Policies shall both be applicable. In the event the provisions of the agreement are different from the provisions of said Policies, the provisions of the agreement shall be controlling.

Article 30.4 of the ***Agreement Between United University Professions and The State of New York*** is:

- a. All employees shall, upon appointment, receive a notice of appointment or reappointment containing the following information:
 - 1. Academic or professional rank, if applicable, and official State title;
 - 2. Type of appointment, i.e., Term, Continuing, Permanent or Temporary;
 - 3. Duration of appointment if a term, or expected duration if a temporary appointment;
 - 4. Basic annual salary, if appropriate, or rate of compensation; and
 - 5. Effective date of appointment.
- b. In addition, part-time employees shall receive an appointment letter which includes the following information on required assignments if applicable:
 - 1. Teaching;
 - 2. Advisement and/or governance; and
 - 3. Research and/or community service.
- c. In addition, part-time employees shall receive an appointment letter which identifies the benefits for which they are eligible:
 - 1. Health;
 - 2. Leave; and
 - 3. Other (specify).

Article 31.6b of the ***Agreement Between United University Professions and The State of New York*** provides:

"Where, in connection with consideration of a professional employee for appointment, reappointment, or promotion, **a file of evaluative material** is developed by a committee or committees of professional employees which may exist to evaluate and make recommendations with respect to appointment, reappointment, or promotion of a professional employee, and where such file, or the personnel file, or part thereof, if that is the file that is used, is submitted to the College President or the last management administrative officer of the College for consideration, the professional employee to whom the evaluative file or personnel file, or part thereof, pertains shall have the right to examine such file and file a statement in response to any item contained therein; provided, however, statements solicited in connection with the employee's appointment, reappointment, or promotion and any documents which would identify the source of the statements shall not be available to the employee." At the State University of New York College of Arts and Science at Plattsburgh such files are called "review files."

Article 33 (***Job Security Review Procedures***) of the ***Agreement Between United University Professions and The State of New York*** is:

33.1 Definitions

- a. "Professional staff" shall mean all persons occupying positions designated by the Chancellor as being in the unclassified service.
- b. "Initial academic review" shall mean a review and recommendation by a committee of academic employees at the departmental level or, in the event academic employees are not organized along departmental lines, at the division, school, college or other academic employee organizational level next higher than the departmental level, which may exist for the purpose of evaluating an academic employee for continuing appointment.
- c. "Subsequent academic review" shall mean a review and recommendation by a committee of academic employees at the division, school, college or other academic employee organizational level next higher than the initial academic review committee which may exist for the purpose of evaluating an academic employee for continuing appointment.
- d. "Immediate supervisor" shall mean the person designated by the College President for purposes of evaluating a professional employee pursuant to the Policies of the Board of Trustees.
- e. "Working days" shall mean Monday through Friday, excluding holidays.

33.2 Request for Reasons

An academic or professional employee, within 10 working days following receipt of written notice that the employee's term appointment will not be renewed upon its expiration, further employment following which expiration would be required by the Policies of the Board of Trustees to be on the basis of continuing or permanent appointment, as the case may be, may submit to the College President, in writing, a request that the employee be apprised of the reasons for the notice of non-renewal.

33.3 Response of College President

Within 10 working days following receipt by the College President of the employee's request pursuant to Section 33.2 of this Article, the College President shall respond thereto in writing. Such response shall be as follows:

a. Academic Employees

1. Where the initial academic review committee has recommended that the employee not be granted continuing appointment, the College President shall indicate that the notice of non-renewal was provided in conformity with the recommendation of such committee and the employee shall receive no further consideration of the non-renewal of the term appointment.

2. Where the initial academic review committee has recommended that the employee be granted continuing appointment and the subsequent academic review committee, if any, has not so recommended, the College President shall indicate the reasons for the notice of non-renewal and the employee shall receive no further consideration of the non-renewal of the term appointment.

3. Where the initial academic review committee has recommended that the employee be granted continuing appointment and a subsequent academic review committee, if any, has recommended that the employee be granted continuing appointment, the College President shall indicate the reasons for the notice of non-renewal and shall inform the employee of the right to a review.

b. Professional Employees

1. Where the employee's immediate supervisor has recommended that the employee not be granted permanent appointment, the College President shall indicate that the notice of non-renewal was provided in conformity with the recommendation of the appropriate member of the professional staff and the employee shall receive no further consideration of the non-renewal of the term appointment; provided, however, where, throughout the employee's employment, each of the employee's formal, written evaluation reports prepared in accordance with provisions of Article XII, Title C, Section 4 of the Policies have characterized the employee's performance as "satisfactory" and the employee's immediate supervisor has recommended that the employee not be granted permanent appointment, the College President shall indicate the reasons for the notice of non-renewal and shall inform the employee of the right to a review.

2. Where the employee's immediate supervisor has recommended that the employee be granted permanent appointment, the College President shall indicate the reasons for the notice of non-renewal and shall inform the employee of the right to a review.

33.4 Procedure for Review

a. Within 10 working days following receipt by an employee of notification, in writing, by the College President of the right to a review of the reasons for non-renewal, such employee may submit to the Chancellor a request, in writing, that the Chancellor, or designee, review the reasons for such notice of non-renewal.

b. Within 10 working days following receipt by the Chancellor of the employee's request for review submitted pursuant to subdivision (a) of this Section, the Chancellor, or designee, shall acknowledge the employee's request and shall notify both the employee and the College President that a review of the matter shall take place by an ad hoc tripartite committee of members of the professional staff at the employee's campus, to be known as the Chancellor's Advisory Committee.

c. Within 10 working days following their receipt of the communication of the Chancellor, or designee, referred to in subdivision (b) of this Section, the College President and the employee each shall designate, in writing, a member of the professional staff of the College to serve on the Chancellor's Advisory Committee. Copies of the respective designations shall be provided to the employee, the College President and the Chancellor as appropriate.

d. Within 5 working days of their designation, the two members of the Chancellor's Advisory Committee shall designate, in writing, a third member from among a panel of members of the professional staff at the employee's College to be determined in accordance with provisions of Section 33.5 of this Article. Upon designation of the third member, who shall be Chairperson, the Chancellor's Advisory Committee shall be deemed to be fully constituted. Copies of the Chairperson's designation shall be provided to the employee, the College President and the Chancellor. In the event the two members of the Chancellor's Advisory Committee cannot mutually agree upon a Chairperson, selection of the Chairperson shall be accomplished by alternately striking names from the College Panel until one name remains. The right of first choice to strike shall be determined by lot.

e. Within 5 working days following the designation of the Chairperson, the Chancellor's Advisory Committee shall convene to review the reasons upon which the employee was provided written notice that the term appointment would not be renewed upon its expiration. The scope of the review conducted by the Chancellor's Advisory Committee shall not exceed the following:

1. Where the reasons for the notice of non-renewal were the employee's performance or competence, the Chancellor's Advisory Committee may review the substance of the judgments relating to such performance or competence.

2. Where the reasons for the notice of non-renewal involved matters of program, the review conducted by the Chancellor's Advisory Committee shall be limited to the sole question of whether the notice of non-renewal was in fact based upon such considerations when issued. The Chancellor's Advisory Committee shall not be empowered to determine the correctness of determinations of the College President involving matters other than the employee's performance or competence, but shall satisfy itself that the matters of program were the reasons for the decision and shall so state to the Chancellor.

f. The Chancellor's Advisory Committee shall conclude its review within 45 calendar days following the designation of the Chairperson. Within 5 working days following conclusion of this review, the Chancellor's Advisory Committee shall forward its recommendations, in writing, to the Chancellor.

g. Following receipt of the Committee's recommendations, the Chancellor, pursuant to the Policies of the Board of Trustees, shall, within 60 calendar days, take such action as may, in the Chancellor's judgment, be appropriate and shall notify, in writing, the employee, the Committee, and the College President.

h. If a majority of the members of the Chancellor's Advisory Committee recommend in favor of awarding continuing or permanent appointment, and the Chancellor does not award continuing or permanent appointment, then, in the final year following the notice of non-renewal, the College President shall either:

1. Reconsider the non-renewal action in light of the recommendations of the Chancellor's Advisory Committee and take such action as may, in the

College President's judgment, be appropriate and shall notify, in writing, the employee, the Committee, and the Chancellor of the result; or

2. May offer the employee a designated leave. Such designated leave may be granted by the Chancellor, or designee, pursuant to this Section at full salary or reduced salary. A designated leave granted pursuant to this Section may be for any period, but shall in any event cease upon the termination date contained in the written notice of non-renewal. The employee's election to accept such offer must be in writing and is final and binding and may not thereafter be withdrawn. This subdivision shall not operate to change the effective date of non-renewal or result in any additional review under this Article.

33.5 College Panel

The Chairperson of any ad hoc tripartite Chancellor's Advisory Committee shall be selected from a panel of members of the professional staff at an employee's college determined by mutual agreement of the College President and UUP Chapter President. Such panel shall consist of an odd number, not less than nine. In the event the College President and the UUP Chapter President do not agree upon a panel within 90 days from the execution of this Agreement, selection of the panel shall be completed by the University Assistant Vice Chancellor for Employee Relations and the UUP President.

33.6 The provisions of this Article shall not be deemed to create any manner of legal right, interest, or expectancy in any appointment to continuing appointment or permanent appointment. Pursuant to the Policies of the Board of Trustees, a term appointment shall automatically expire at the end of its specified period.

33.7 Neither provisions of this Article nor any review conducted pursuant thereto shall be subject to the provisions of Article 7, Grievance Procedure, of this Agreement. Issues involving the timeliness of actions under this Article shall be referred by UUP, in writing, by certified mail, to the Governor's Office of Employee Relations for resolution. UUP shall be advised of the resolution within 15 calendar days from the date the issues of timeliness were received by the Governor's Office of Employee Relations.

Definitions¹⁹

Article II of the *Policies of the Board of Trustees, State University of New York* contains definitions of terms, as do Articles 4 and 33 of the *Agreement Between United University Professions and The State of New York*. Certain terms are provided here for easy reference.

Professional Staff - All persons occupying positions designated by the Chancellor as being in the unclassified service. This includes academic and professional employees.

Professional Employee - Professional employees shall mean an employee in the Professional Services Negotiating Unit, other than an employee with academic or qualified academic rank

¹⁹ Definitions used in this document are contained in the *Policies of the Board of Trustees, State University of New York* and the *Agreement Between United University Professions and The State of New York*.

Professional Title - Professional title shall mean the title of a position in the Professional Services Negotiating Unit, other than a position of academic or qualified academic rank, as shown on the budget certificate for the position on file with the State Director of the Budget.

Academic Staff - The staff comprised of those persons having academic rank or qualified academic rank.

Academic Rank - Rank held by those members of the professional staff having the titles of professor, associate professor, assistant professor, instructor, and assistant instructor, and rank held by members of the professional staff having titles of librarian, senior assistant librarian, and assistant librarian.

Qualified Academic Rank - Rank held by those members of the academic staff having titles of lecturer, or titles of titles of academic rank preceded by the designations "clinical," "visiting," "adjunct," or other similar designations.

Academic Employee - An employee in the Professional Services Negotiating Unit with academic or qualified academic rank.

Service Credit (Prior Service) - Employees granted term appointments pursuant to subdivision b (2), c (1) (b) and c (2) (b) herein may, at the request of the professional employees in the discretion of the Chancellor, or designee, be credited, at the time of such appointments, with all prior continuous University service, up to a maximum of four years for purposes of eligibility for permanent appointment. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of initial appointment.

Article XI, Title D, Section 7 of the *Policies of the Board of Trustees, State University of New York* is:

As defined in this Article, service in academic rank shall not be credited as eligible service for permanent appointment. As defined in this article, service in professional title shall not be credited as eligible for continuing appointment.

Working Days - Working Days shall mean Monday through Friday, excluding holidays.

Normal Business Hours - For the purpose of this document shall mean 9:00 A.M. through 5:00 P.M. Monday through Friday, excluding holidays.

"Casual" Appointments

Appointments of persons as casual professional employees are of a limited nature and are not covered by contractual provisions. Such employees are given "CSL" titles, and are not in the Professional Services Negotiating Unit, not subject to agency shop fee deduction, and not entitled to negotiated salary increases or minimums. Casual employees are compensated on a biweekly, hourly, fee for service, or *per diem* basis, with full payment generally made during the course of the appointment. Appointment of casual professional employees to "CSL" titles must be consistent with the University guidelines.

The August 6, 1981 Jerome B. Komisar, SUNY Provost, memorandum to campus presidents, which was issued as a condition of settlement of an Improper Labor Practice filed with the New York State Public Employees Relations Board by United University Professions, stipulates:

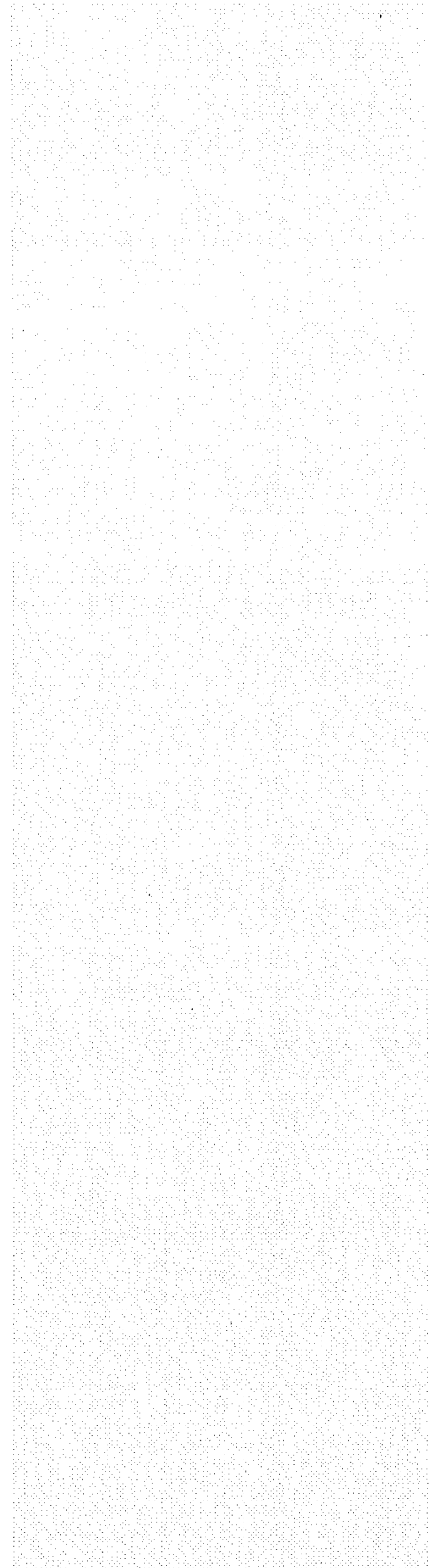
At the completion of four out of any eight semesters, casual employees must be appointed to a title in the academic ranks or the qualified academic rank.

Casual employees teach no more than one course totaling three contact hours, or its equivalent. These individuals would not perform the full range of professional obligation or a pro-rata portion thereof (e.g., teaching, research, community service, *etc.*) in exchange for basic annual salary as would a regular part-time employee; but rather are retained on other than a basic annual salary basis to provide a specific and limited service; or

Casual employees provide service for a period of less than six weeks per year; or

Casual employees are appointed on a non-recurring semester basis (e.g., to complete a particular finite task with no present intention that they will provide additional service. Subsequent retention would customarily depend upon a number of variables including college curricula, course demands, *etc.*) As a group, individuals within these titles should demonstrate a rate of return from semester to semester of less than 60 percent.

The "casual" category of employee should not be interpreted to include individuals who have long and substantial employment relationships with the University, nor should persons otherwise employed by SUNY who provide service, either on an extra service basis or as part of the summer instructional program, be included.



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PROFESSIONAL EMPLOYEE PERSONNEL REVIEW TRANSMITTAL FORM

This form must be attached to the Review File of each professional employee undergoing evaluation for reappointment, permanent appointment, annual review, or promotion. **A separate form must be used for each personnel action.**

Name/Title of Employee: _____ Department/Division: _____

Type of Personnel Action: ☐ reappointment ☐ permanent appointment ☐ annual review ☐ promotion

Recommendation:

Positive **Negative** **Abstain**
(Satisfactory) (Unsatisfactory)

↓ ↓ ↓
Secondary Reviewer(s), if any :

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

(use back of sheet if additional signatures are required)

Immediate Supervisor :

☐ ☐ ☐ _____ _____ __/__/__

Dean/Associate Provost, if any:

☐ ☐ ☐ _____ _____ __/__/__

Committee on Professional Evaluation, if any (optional for evaluations for reappointment, permanent appointment, and annual review):

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

Provost/Vice President:

☐ ☐ ☐ _____ _____ __/__/__

College Review Panel, if any (optional for evaluations for promotion):

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

☐ ☐ ☐ _____ _____ __/__/__

(use back of sheet if additional signatures are required)

Secondary Reviewer(s), if any (continued):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	__/__/__
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	__/__/__
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	__/__/__
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College Review Panel, if any (continued):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	__/__/__
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