



**FACULTY PERSONNEL COMMITTEE  
AGENDA**

**Friday, April 5, 2019  
Room L.61 New Building  
9:30 AM – 1:00 PM**

***Meeting Open to the Public 9:30 am – 11:30 am***

- I. Approval of Minutes, 12/14/18 meeting**
- II. Faculty Personnel Appeals –Discussion for Policy and Process Change**
- III. Standards for Early Tenure**
- IV. New Business and Announcements**

***Executive Session – Full Faculty Personnel Committee 11:30 am– 1:00 pm***

- I. Fellowship Leaves (slate vote)**
  - Ratification vote on 2019-2020 Fellowship Leaves & Scholar Incentive Award Leaves
- II. Initial Appointment with Tenure**
- III. Faculty Personnel Appeals Process – Overview of 2019 Appeals Cases**

**Spring 2019 PFC/ FPAC Meetings:**

Full FPC

Friday, May 03, 2019

**Notes:**

---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---

**\*All times are approximate**

**NOT YET APPROVED – will be voted on at the 4/5/2019 FPC Meeting**

## **FACULTY PERSONNEL COMMITTEE MINUTES**

**Friday, December 14, 2018**  
Room 630, Haaren Hall  
**11:00 am-2:00 pm**

***Meeting Open to the Public 11:00 am – 12:45 pm***

*Meeting convened: 11:20am*

### **I. Approval of Minutes, 9/21/18 meeting**

#### First Order of Business:

- Vote on minutes of last meeting - Allison K. moved for motion to accept and Avram B. seconded the motion. All were in favor.

President Mason proceeded with the following discussion items:

### **II. Faculty Personnel Review – PSC Discussion**

- President Mason expressed that the PSC had inquired about the file viewing process and wanted to discuss with the committee the importance of reading a faculty member's entire file. She emphasized that both the electronic version (FIDO) and the hardcopy version (Personnel File), make up the candidates entire file. Both should always be reviewed in their entirety upon a candidate's upcoming action.

- Ned B. explained that reviewers may opt to review one type of file over the other because they're looking for specific things that they know will be only in a particular file. President Mason responded, that while that may be so, there is still a responsibility to read both files. If a reviewer comes across something in a file that they have already read from the previous file, they are expected to move past that item and continue reviewing the rest of the file, not just dismiss one file over the other.

- Jessica G.-N. brought up a suggestion to ensure easier reading of files, she explained that a more rigorous outline of what needs to be in each file should be implemented, especially when it comes to the FIDO files. She elaborated that specifically for FIDO, there also needs

**\*All times are approximate**

to be a way to ensure that files uploaded by Chairs cannot be removed by candidates. President Mason responded, that they have been looking into FIDO concerns regarding ability to remove files, and are trying to figure out ways to improve the system.

- Members suggested that someone needs to go through all the faculty files (FIDO and Personnel) to review all the documentation inside to verify that appropriate forms are inside. Allison P. explained that Faculty Services does not have the resources to go through the multitude of electronic FIDO files and hardcopy Personnel files, to cross check all the materials inside. She also reminded members that the guidelines dictated that it is the faculty's responsibility to make sure their files are in order. Ned B. agreed and elaborated that the candidate bears the responsibility of being satisfied with the layout of their own files.

- Jennifer D. also reminded members that both files are considered one, thus what is in one file does not have to be on the other and there are only certain items that actually need to be in both: Form C (uploaded to FIDO and added to Personnel file by candidate), current CV (uploaded to FIDO and added to Personnel file by candidate), Chair's Annual Evaluation (uploaded to FIDO by Chair and added to Personnel file by Faculty Services), Pre-Tenure Review (when appropriate - uploaded to FIDO and added to Personnel file by Faculty Services), and Teaching Observations (uploaded to FIDO by Chair - and added to Personnel file by Faculty Services).

- Jim C. followed Jennifer D.'s explanation by requesting that there be a clear written statement describing what materials should certainly go into FIDO/Personnel Files. He also wanted to review the student evaluation reports and what to do with them, some members do not have them in their files, some incorporate it into the Chair's letter or in their Form C, it varies and it should be uniform. He also explained that they should not have to go online to look for a candidate's evaluation reports. Robert D. agreed that there needs to be more diplomacy and there is some confusion as to what should go in each file. Allison P. explained that the guidelines describe where to write about student evaluations and if that needs to change there should be a discussion on adding that to the guidelines. Anthony C. added on that Review Committee members should also be well informed on what is needed in candidate's files, so they know what to look for during their review process.

- Provost Li reflected that members should always try to emphasize to their departments that both electronic and hardcopy files are always expressed as composing a candidate's entire file. He suggested to create a table to help faculty visualize what is mandated to be in both files and what is needed overall as a fully completed file. This will help make expectations clear to both candidates and Chairs. He also shared that they are forming a small task group to look at the modernization of FIDO to upload and update files.

- President Mason concluded by stating that she would convey all this information to the PSC.

### III. Service Committee proposal for guideline revision

- Ned B. started by reviewing the current service requirements in the guidelines. He then explained what areas they were hoping to revise and how by reviewing the university bylaws regarding service, they were able to decide what should and shouldn't be a part of the revision. He explained that university policy never refers to compensation as being an issue against service. Thus any compensated service should not be disqualified. He gave examples of how he was awarded grants for professional service/research and it had not been disqualified because of grant compensation.

*-President Mason was excused at 11:40am; Provost Li took lead-*

- Jim C. suggested that service requirements should be more balanced in small departments and taken into consideration as part of revising the guidelines.

- Katie G. expressed that there should be a way to be transparent about compensated service vs. non-compensated service in a way that will not take away from the actual service done by faculty.

- Anthony C. suggested that there should be a way to list on the Form C what kind of works are compensated vs. non-compensated and also explain which is within the college and which is external to the college. Angela C. seconded what Anthony C. said and elaborated that this would help reviewer's weigh their decisions better on how to evaluate a candidate's type of service. Jessica G.-N. also agreed with Anthony C.'s suggestion to find a way to label the type of services as compensated vs. uncompensated so that it can be evaluated properly by each department. Bettina C. expanded on these points by agreeing that transparency is very important and adding that we should also look at the external compensation of service and how that is weighted differently across different disciplines and departments.

- Dara B. stated that it may still be difficult to lay out the type of services in itself as services can be interwoven and cannot be so easily categorized even with or without compensation.

- Ned B. expressed that they might be able to list compensated vs. non-compensated services on the Form C, but it needs to be developed as a separate proposal so that the process could be vetted properly. He hoped that they could pass this initial revised version for now, with this specific language about balance (3a) and without the categorizing of the type of service.

- Allison P. proposed that they should strike the word uncompensated from page 4 and on page 2 add ", indicating whether compensated or uncompensated" to the guidelines as a way to solve the problem. Members of the committee voted in favor of the current version needing to be revised. Following this vote, members then voted in favor of moving the

proposal with revisions discussed, to the College Council as well.

- Provost Li summarized that the initial request to change the language in the guidelines was to provide transparency on the type of service that is compensated or not compensated. It was not to devalue a type of service over the other. He also expressed concern that it needs to be clear on what amount of services someone should do in their early years as faculty versus those later years in their careers.

#### **IV. Faculty Personnel Appeals process, subcommittee report**

- Jim C. wanted to make the appeals process a bit more clear in regards to what is done in other campuses. The areas they looked at were: who hears appeals, what is the size of the appeals committee, how long members have served, and what types of actions are heard in the appeals process. Different institutions had different requirements for who serves on the appeals committee such as ranks. Some institutions allowed for appellants to submit a rebuttal of the appeals committee result. He has concerns on the size of our appeals committee as it is much larger than a normal review group, but mentioned that the nice thing about it, was that all members could come together to speak on the standards of what is expected from candidate files. He suggested that there also needs to be a process where the review committee should be informed of how a decision is made in the appeals committee, because that can help them in knowing what to look for in future reviews or how to better serve during their portion of the review process.

#### **V. New Business and Announcements**

- Provost Li, on the heels of what Jim C. said, agreed that the outcomes of review committees should also be shared with the P&B committees to improve service there as well. He also asked Jim C. what the next step for the appeals process report would be, Jim suggested that we can use his information to think about what we may want to change, if anything, for the next cycle of appeals.

- Ned B. and Marjorie S. discussed the notion that they should only have FPC members on the appeals committee as FPC members are charged with having to vote on the appeals process.

- Provost Li closed the meeting by reminding everyone of the importance of quorum for all future meetings

*Open session adjourned: 1:00pm*

## **Personnel Action Appeals**

(Prof. James Cauthen (POL), Prof. Jay Gates (ENG), Prof. Jay Hamilton (ECO))

### **I. Introduction**

In the Spring 2018 semester, we were asked by the FPC to review personnel action appeals processes at other colleges and universities. There was no formal written charge to us, and our understanding was that our task was limited to providing a range of examples of appeals processes used at other institutions. We did not approach this as an academic study, nor should the processes discussed below be considered exhaustive. Our selection of schools was largely driven by accessibility of information online, and, with thirteen schools included<sup>1</sup>, we found a significant variation in the approaches used for appeals of negative personnel decisions (at most institutions, this is the appeal of a determination denying tenure and/or promotion). Ultimately, if the FPC is interested in formally reviewing the personnel action appeals process at John Jay, we believe that that review should include a broad representation of faculty from across the College who could dig wider and deeper into personnel action appeals at other institutions.

Based on the review, we present information about appeals process at other institutions in four areas: 1) who hears the appeal; 2) appeal committee size; 3) appeal committee membership/terms; 4) grounds for appeal/evidence/decision.

### **II. Who hears the appeal**

- At some of the institutions, appeals of negative personnel decisions are heard by a single individual, usually the president or the provost, who generally has not participated in the personnel process up to that point.

---

<sup>1</sup> Processes used in personnel appeals at the following institutions were reviewed: Cornell University City College (CUNY), City Tech (CUNY), Drexel University, Elon University, Emory University, Hunter College (CUNY), Lehman College (CUNY), Northwestern University, Purdue University, Texas Christian University, University of Colorado, University of Oregon, Virginia Commonwealth University.

- In most of the personnel processes reviewed, appeals of negative decisions are heard by a committee. Some of these are committees separate from the larger personnel committee with a fixed membership that hears all appeals (e.g., an appeals subcommittee created from the membership of the larger personnel committee or a stand-alone personnel appeals committee separate from the institution's personnel committee). Others are *ad hoc* appeals committees created for each appeal, with assignments made from members of the larger personnel committee or from the entire college community. So, in the first case, all appeals are heard by the same appeals committee, and, in the second case, each appeal is heard by a different set of committee members.

### **III. Appeals Committee Size**

- At the institutions with separate appeals committees, and where membership was clear from the materials reviewed, the committee size generally was 5-9 members.

### **IV. Appeals Committee Membership/Terms**

- The fixed membership appeals committees are sometimes stand-alone appeals committees separate from the institutions' personnel committee and whose members are selected/elected to serve a fixed term of office. Oftentimes, terms of office on these appeals committee are staggered.
- In cases where the appeals committees are created from the membership of a larger personnel committee, whether *ad hoc* or fixed, there usually are steps laid out addressing the creation of the panels that sometimes includes participation in members' selection by the institution's faculty senate and/or an administrator (e.g., a Dean). At least one of the institutions permits the appealing faculty member and the administration to strike members from an appeals committee pool to form the appeals committee for that faculty member's appeal.

- At one institution, only a partial appeals committee is formed and members selected to the committee have the responsibility for selecting the remaining members.
- Some institutions have requirements to make the appeals committee representative of the institution, e.g., members are distributed across schools or divisions at the institution and there are prohibitions of members of the committee being from the same academic department. Because most of the appeals processes reviewed address tenure and/or promotion appeals, some institutions have requirements that all appeals committee members must have a higher rank than the candidate appealing, and some require that all appeals committee members be full professors.
- Some institutions with stand-alone appeals committees (e.g., an appeals committee separate from the institutions' personnel committee, however selected) require that to be eligible for selection/election to the appeals committee, members must have previously served on the institution's personnel committee.

#### **V. Grounds for appeal/evidence/decision**

- Many institutions have appeals with a *de novo* review, but some institutions limit appeals to claims of errors in procedure, discrimination, violations of academic freedom, etc. Some institutions set out specific standards for review (e.g., "the decision was so inconsistent with the evidence in the record that it must be judged to be arbitrary and capricious").
- Some institutions, after the faculty member is provided information about the underlying decision, require the appealing faculty member to set out his/her grounds for appeal, and, among those, some allow a rebuttal from the committee that made the decision being appealed.

- Some institutions limit evidence considered in an appeal to a review of the file/record only, but some permit witnesses to appear before the committee, including witnesses the appeals committee chooses to appear.
- At institutions with an appeals committee separate from the personnel committee, some have the appeals committee decision as the final recommendation and others have the appeals committee decision as a recommendation back to the larger personnel committee, which then makes the final recommendation.
- At least one institution allows the appealing faculty member to select a faculty adviser for assistance in the appeals process, who also has the right to attend meetings of the appeals panel but not participate.

**BACKGROUND INFORMATION ON EARLY TENURE**  
**Submitted by Interim University Provost Jane Bowers**  
**December 3, 2018**

Early tenure may be granted subject to the CUNY Bylaws, which provide in relevant part:

*Appointments on or after September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than seven years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning. (CUNY Bylaws, Article VI: Instructional Staff > Section 6.2 Permanent Instructional Staff—Tenure)*

CUNY OAA takes the highlighted phrase to mean that deference should be given to the colleges to determine when they would be well served by a grant of early tenure and that early tenure is the exception rather than the rule, to be granted only for “substantial” reasons.

#### **Judgment of the College**

A number of years ago, decision-making authority regarding faculty personnel matters was moved from OHRM to OAA in recognition of the fact that faculty worthiness for appointment, reappointment, tenure, and promotion was an academic judgment, best left to the Chief Academic Officer of the University rather than the Vice Chancellor for Human Resource Management.

Faculty personnel decisions are distinguished from staff personnel decisions by a reliance on peer evaluation. The judgment of one’s peers is often dispositive in faculty appointment, tenure, and promotion. This evaluation begins with the practice of scholarly journals and presses and federal funding agencies of sending manuscripts, proposals, and applications out for review by experts in the candidate’s field before making a decision to publish or fund. Consequently, every candidate for promotion and tenure is expected to present a body of work that has already been peer evaluated.

Additionally, for each candidate for promotion and tenure, colleges solicit multiple letters of external evaluation (six to ten) from experts in the candidate’s field, who are tenured, often senior, faculty at other universities. Recent candidates for early tenure have had letters from faculty at such institutions as the University of Pennsylvania, Indiana University, the University of Tennessee, University of Connecticut, Rutgers University, Virginia Tech, University of Utah, New York University, University of Wisconsin, University of Illinois, University of Ottawa, University of Leeds, Cornell University, University of Minnesota, University of California, Bowdoin College, and Ohio State University. A key stipulation is that these evaluators not be friends, colleagues, collaborators, mentors, or co-authors of the candidate. The evaluator attests in the letter of evaluation itself that he or she knows of the candidate primarily through the candidate’s work and not through a personal or even professional relationship. The letter writers review and fully discuss the candidate’s scholarship and make a judgment as to whether or not the scholarly record is worthy of tenure and promotion. Many letter writers state explicitly whether at

their institutions these candidates would receive tenure and promotion. OAA does not share the letters directly with the FSA Committee since they are confidential, and the identity of the writers and the contents of their letters should not be made public. This promise of confidentiality is customary and is a way to ensure that the letter writers will be perfectly candid.

After reviewing the peer-reviewed scholarship and the external letters of evaluation, tenured faculty in the candidate's department and disciplinary school and on the college-wide personnel committee vote on the tenure and promotion. The next level of review is the Provost and the President of the college, who make independent decisions, informed by and deferential to the previous peer evaluations by content area experts to which the case has been subjected. Finally, in cases of early tenure, the supporting materials have been reviewed by the University Provost, who makes an independent judgment that is informed by the many layers of previous peer evaluation.

No case of early tenure reaches the committee unless it has gone through this rigorous, multi-level process of peer review.

### **Substantial Reason**

OAA has interpreted the phrase "substantial reason" to mean that early tenure is to be granted only in exceptional cases and for good reason. OAA has informed College presidents and provosts about the high bar and the exceptional circumstances in which such requests will be considered.

Candidates may be exceptional because they have already exceeded the college's standards for tenure with the prodigious quantity of their work or its exceptionally high quality, or both. In certain disciplines, candidates may be exceptional because of the impact their work has had on the field of practice and policy. Finally, candidates may be deserving of early tenure, not only because their work meets or exceeds the college's standard for tenure, but also because they have had a productive career prior to joining the faculty, during which they developed a scholarly portfolio of publications and presentations.

In signing the "Request for Faculty Personnel Action with a Bylaw Waiver," the Provost of the early tenure candidate's college certifies that the request is "for the good of the institution."

**APPOINTMENTS WITH TENURE AND EARLY TENURE**  
**SUPPORTING DOCUMENTATION FOR FACULTY, STAFF, ADMINISTRATION (FSA)**  
**BOARD COMMITTEE SUBMISSIONS**

**I. Seeking a Bylaw Waiver to Appoint a Faculty Member with Tenure**

**Please note: If a candidate has earned tenure at another institution, the college may recognize tenure reciprocity and appoint the candidate with tenure without having to seek a bylaw waiver from FSA. The guidance below applies only to those individuals who have never earned tenure at another institution**

1. Robust rationale from provost in form of a multi-page letter that lays out all the reasons for appointing the person with tenure. Should cover some or all of the following:
  - a. Time spent on tenure track elsewhere or prior university teaching, how much and where. Make the case that the college has some sense of the candidate's success as a teacher and is confident they will do well in the classroom.
  - b. Details of the non-academic positions candidate has held and why these qualify them for tenure.
  - c. Details of the candidate's scholarship
  - d. Explain the need the candidate fills at the college—particular discipline, work experience—of potential benefit to students
  - e. Explain extenuating circumstances: competing offer; rarity in hiring pool in this discipline of women or people of color; can't offer salary commensurate with experience (previous salary), but can offer tenure because deserved.
  - f. Support of P&B at the department, school, and college level
2. Letters of recommendation or external letters of evaluation or list of references with summaries of oral communication with each, i.e. some external evaluation of worthiness for appointment with tenure.
3. Candidates letter of application and CV

## II. Request for Application of the Bylaw for Awarding Early Tenure

**Early tenure is awarded only for exceptional candidates where the award of tenure would be of clear and significant benefit to the college.**

1. Robust letter from Provost should cover the three legs of the stool in great detail, including healthy quotations from external evaluation letters, chair's report, and the like. Think of early tenure as distinguished professorships for assistant/associate professors and write a letter as detailed and laudatory as a DP nomination letter. If you are aware of interest or outright offers from other schools and seek early tenure in service of retention, mention that in your letter. Letter should cover the following:
  - a. Introduction with overview of rationale, touching each of the three legs of the stool briefly
  - b. Several detailed paragraphs on scholarship, explaining the person's contributions to the field and impact, publications and quality of outlets, presentations and invited talks, including quotations from chair's report and external letters of evaluation **Please note, external evaluators should not be mentioned by name or institution, but simply identified as "one letter writer," "a second letter writer," and so forth.**
    - i. Mention grants if any, with dollar amounts; honors and prizes;
    - ii. Discuss ongoing scholarship in detail, as evidence that person will continue level of productivity as before when awarded tenure
  - c. A couple of detailed paragraphs about teaching, including teaching eval scores, quotes from students, and quotes from peer observations and chair's annual evaluation
  - d. A couple of detailed paragraphs on service—departmental, college, CUNY, GC, and professional
  - e. Faculty support expressed through unanimous votes in favor of early tenure at department, school, and college. **Please note, do not give exact vote tallies in your letter; if the vote was unanimous, just mention that.**

- f. Conclusion in which you restate the rationale in a couple of sentences and indicate that you are aware of the extraordinarily high bar CUNY sets for early tenure and believe this candidate meets if not exceeds it.
  - g. If there was an unpaid leave for candidate to take a fellowship during their pre-tenure years, then a time table that gives the schedule of teaching and leaves during their years at the college.
2. Candidate's CV
  3. Copies of the external letters of evaluation, with a digest of highlights from the letters. Digest should not include names or affiliations of writers, but simply, "letter #1," "letter #2"