

**PERSONNEL COMMITTEE WORKSHOP
MSP CONTRACT/ACADEMIC PERSONNEL POLICY (RED BOOK)
RESOURCE GUIDE**

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- All unit members are eligible, including part-time
- DPC can initiate a process or make a recommendation in response to a proposal from an individual
- Requirement to provide copy of recommendation/decision to candidate
- NEW central anomaly pool (\$100,000 annually)

FACULTY ROLES AND RESPONSIBILITIES IN PERSONNEL MATTERS

- 11.1 The faculty shall have primary responsibility in the area of personnel matters. This shall mean the capacity to initiate or review faculty personnel recommendations. Academic administrative officials may make a recommendation or decision counter to the original faculty recommendation only in exceptional circumstances and with compelling reasons in written detail which shall specifically address the content of that recommendation as well as the established standards and criteria.
- 11.2 The faculty shall have the right to grieve based on the terms and conditions of this Agreement any modification or reversal of such recommendations.
- 12.1 High professional standards must be the basis for all personnel decisions. Personnel recommendations and decisions shall be made only after a review of all the qualifications and all the contributions of the individual in the areas of teaching; of research, creative or professional activity; and of service. All three areas must be considered but the relative weight to be given each may be determined in the light of the duties of the faculty member. Final decisions are made only after giving serious consideration to all the materials in the basic file as well as to the professional judgments of the departmental personnel committee, which are and ought to be given great weight.

CONSTITUTION AND ROLE OF PERSONNEL COMMITTEE

- 12.3 All academic departments shall establish bylaws by a majority vote of all departmental faculty. Such bylaws must comply with applicable laws, University policies, and this Agreement and shall be reviewed by the University Administration and the Union in order to ensure such compliance.
- 12.4 The faculty at the departmental level shall establish once each year, in timely fashion, a Personnel Committee to exercise the responsibilities described in Sections 11.1, 12.1, and 12.2 and Articles 21, 26, and 33. In a department with fewer than four (4) faculty members, the faculty and Dean shall agree upon the selection of a specific faculty member or members from outside the department who shall be asked to serve on the committee.
- 12.5 In each college or school there shall be a Personnel Committee of the faculty to review departmental level recommendations. The committee shall be chosen by procedures established in a manner designed to represent the interests of the faculty of each college or school. Said committee shall forward its recommendation to the appropriate Dean.

- 12.6 No faculty member on a personnel committee shall participate directly in any recommendation or decision relating to appointment, reappointment, promotion or tenure at the University of any parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law or stepchild. A faculty member should withdraw from participation in any personnel recommendation or decision involving potential conflict of interest.

ANNUAL FACULTY/LIBRARIAN REVIEWS

Evaluation of Bargaining Unit Faculty

- 33.1 Departmental Personnel Committees and academic administrative officials, as appropriate, shall evaluate all bargaining-unit faculty members annually in accordance with the campus's master calendar.
- 33.2 For the life of this Agreement and for the purposes of this Article, the form entitled "Annual Faculty Report and Evaluation of Professional Activities" (AFR) will serve as the evaluation form for bargaining-unit faculty members whose appointments are **50% FTE or greater**.

Bargaining-unit faculty members whose appointments are **less than 50% FTE** shall also be evaluated annually using evaluation instruments designated or devised by their Department Chairs/Heads in consultation with the relevant Departmental Personnel Committees. Should any evaluation instrument other than the AFR be devised for such use, the Administration shall provide a copy of the proposed instrument to the Union at least 60 days before its implementation. If the Union does not raise objections to the content of the instrument within 30 days of receiving the instrument, the Administration may implement it. If the union raises objections within 30 days of receiving the instrument, the Administration will either negotiate the instrument's content or will revert to using a previously approved instrument.

- 33.3 The evaluation of each bargaining-unit faculty member, regardless that person's full-time equivalency, shall address that person's performance of his/her assigned duties and responsibilities during the year under review. All recorded union activity in an AFR shall be credited as University service.
- 33.4 Each department, program or other analogous unit shall develop or adopt one or several modes appropriate to the process of evaluating teaching in that unit, as well as procedures for the administration of student evaluations of teaching. Over time, the annual evaluations of teaching should attempt to capture the total contribution of the candidate to the instructional mission, both inside and/or outside the classroom, through multiple modes of evaluation, not just student evaluations. For faculty involved in graduate education, the annual evaluation should address their effectiveness in advising and mentoring graduate students.
- 33.5 During a faculty member's annual review, the Departmental Personnel Committee shall present its findings at the appropriate place on the "Annual Faculty Report and Evaluation of Professional Activities" form or, in the case of faculty with appointments **less than 50% FTE**, on the evaluation instrument used in that department.

- 33.6 Each faculty member retains the right to respond in writing to any written comments made by any individual or group of individuals on his/her evaluation and to have the response affixed to the evaluation.
- 33.7 For the purpose of discussing the faculty member's performance and/or the written comments already provided, each faculty member shall have the right, upon request, to meet once each academic year with each of the following:
- (a) the Chair of the Departmental Personnel Committee and/or representatives of the Departmental Personnel Committee;
 - (b) the Chair/Head of the department, program or other analogous unit;
 - (c) the Dean or other analogous academic administrative official.
- The Chair/Head, Dean, or other analogous academic administrative official of the department, program, or other analogous unit shall have the right to require a face-to-face meeting with a faculty member as part of the annual review process.
- 33.8 Student evaluations and other instruments of teaching evaluation shall be kept on file in the department or program office for a period of six years or, in the case of faculty who have not yet been promoted to the rank of Professor, for eight years.
- 33.9 At the time of annual evaluation, each **non-tenure track faculty member who has received a continuing appointment** and his/her Department Chair/Head shall meet to discuss whether the current job description accurately reflects the individual's assigned duties and responsibilities and to make any necessary revisions. This review is for the sole purpose of updating job descriptions and shall not be used in any evaluative process.
- 33.10 The University Administration may return an AFR to a faculty member, Personnel Committee, Chair/Head, Dean, or other contributor to that AFR for revision if the Administration has evidence that such contributor has provided erroneous, misleading, or grossly inappropriate information in the AFR. In such cases, the Administration shall simultaneously notify the Union of the AFR's remanding.

Evaluation of Bargaining Unit Librarians

- 20.7.1 Each librarian shall be reviewed annually on the agreed-upon form entitled "Annual Report and Evaluation for Librarians." This review shall be in accordance with the timeline for personnel actions.
- 20.7.2 The librarian shall receive a copy of the completed evaluation form.
- 20.7.3 Evaluations shall be based on the librarian's performance of assigned duties and responsibilities consistent with 20.10.3 below.

- 20.7.4 At the time of annual evaluation, the librarian and his/her supervisor shall meet to discuss whether the current job description accurately reflects the librarian's assigned duties and responsibilities and to make any necessary revisions.
- 20.10.3 The librarian's workload consists of the following elements: professional practice (the provision of services to library users and the technical and administrative services required to deliver these user services); scholarly and/or professional activities; and internal and external professional service. Professional practice may include the teaching of credit courses.

MERIT

MERIT POOLS & PROCESS

Schedule of Merit Remaining in this Contract:

<u>Eligibility:</u> Bargaining-unit member on payroll as of:	Period of Performance Reviewed for Merit	Increase takes effect first pay period of:	Payroll snapshot date:	Campus merit pool amount:
December 31, 2016	AY 2014-15 & AY 2015-16	January 2017	November 1, 2016	1.9%

26.2.2 Eligibility: Except as excluded below in Sections 26.2.3, all bargaining-unit members shall be eligible for merit increases, including but not limited to the following:

- a) Those funded through a grant, contract or trust fund, provided that sufficient funds are available in the account in accordance with Article 30.2.
- b) Those on sabbatical leave, provided that payment shall be proportionate to the bargaining unit member's fraction of appointment during the term of the sabbatical leave and shall be raised to the appropriate rate of increase upon his/her return to regular duties.
- c) Those on paid leave.
- d) Those on leave without pay, provided that payment shall not commence until regular duties have been resumed.
- e) Those who are part-time bargaining-unit members, regardless of their full-time equivalency.
- f) Those who are non-tenure-track bargaining-unit members.
- g) Those on temporary assignment to other departments/ programs/ libraries, provided that they shall be counted for allocation purposes in the department/ program/ library where normally employed to the extent of the fraction of appointment in the department/ program/ library where normally employed.

26.2.3 Excluded from eligibility for merit awards are the following bargaining unit members:

- a) Those in the first academic year of their initial appointments.
- b) In the first and second years of this Agreement (FY 2015 and FY2016), those in the second academic year of their initial appointments; those faculty shall receive a fixed increase equal to the average FTE merit amount as defined below.
- c) Those whose appointments are not being renewed.
- d) Those who will separate their employment with the university before the effective date of such a merit increase.
- e) Those not being recommended for tenure by the Chancellor.

26.2.8 **General criteria for the award of merit:** Merit awards shall not be distributed across-the-board and shall not be limited to a pre-determined percentage or category of bargaining-unit members eligible. Bargaining-unit members shall be evaluated for merit only on the basis on their assigned duties. Those on joint appointment shall be considered for merit within each respective department based on their job responsibilities within that department. As part of the annual merit-award process, the Provost will remind Personnel Committees and administrators involved in the merit process of the eligibility requirements and of these general criteria.

26.2.9 **Specific principles for the award of merit:** No later than October 1 of each year, the Personnel Committee of each department-level unit and the Dean/Director of each college-level unit shall disseminate to the bargaining-unit members within their respective units the principles upon which merit awards will be decided for Pools A and B, respectively. Such principles shall not be subject to grievance.

26.2.10 **Merit Review Process:**

- a) **Information Provided to Departments:** The Administration shall provide Departmental and Library Personnel Committees with a merit spreadsheet that lists all eligible bargaining unit members and the total funds available in Pools A and B.
- b) **For Pool A:** The Personnel Committee of each department-level unit shall consider each eligible bargaining-unit member's performance based on the applicable annual review conducted under Article 20 (for librarians) or Article 33 (for faculty) of this Agreement and shall determine the amount (if any) of a merit award he/she should receive from Pool A. Such determinations shall be final except that they may be remanded by the Administration to the department for good reason explained in writing by the Administration. The Administration shall simultaneously provide the Union with a copy of any such remanded determinations.
- c) **For Pool B:** The Administration shall invite from department-level Personnel Committees and Chairs/Heads recommendations for merit awards for the bargaining-unit members within that unit. The Administration shall consider such recommendations and shall consider each eligible bargaining-unit member's performance based on the applicable annual review conducted under Article 20 (for librarians) or Article 33 (for faculty) of this Agreement and shall determine the amount (if any) of a merit award he/she should receive from Pool B. Such determinations shall be final and shall not be subject to grievance.
- d) **Notifications:** The Administration shall notify each eligible bargaining-unit member of the amount of his/her award and how much of the award comes from Pool A and from Pool B. Notification under this provision shall be provided within 30 days after the scheduled effective date of the increase. The Administration will provide to the Union one or more spreadsheets listing all merit awards in each department, and the Union

may inform its members of the various departments' median and range of merit distribution.

- 26.2.11 **Merit review committee:** The Union and the Administration will jointly convene a committee each year to assess compliance with the requirements of this Agreement for award of merit increases to non-tenure-track faculty members in the bargaining unit. The committee will have the authority to ask for additional information and reconsideration in cases where such compliance appears not to have been observed.

TENURE & PROMOTION (Tenure System Faculty)

Red Book Standards

ARTICLE IV. STANDARDS AND CRITERIA FOR PERSONNEL REVIEWS, RECOMMENDATIONS AND DECISIONS

Section 4.1. High professional standards must be the basis for all personnel decisions. Personnel recommendations and decisions shall be made only after a review of all of the qualifications and all the contributions of the individual in the areas of teaching; of research; creative or professional activity; and of service. All three areas must be considered, but the relative weight to be given to each may be determined in the light of the duties of the faculty member.

Section 4.2. For personnel recommendations and decisions, consideration must also be given to the relationship of the recommended personnel action to the following:

- a) program plans at the department, college, campus, and University level;
- b) flexibility as affected by rank and tenure distributions and anticipated retirement dates;
- c) departmental affirmative action goals, considering the nature of the positive contribution that affirmative action is able to make to the diversity of perspective that is essential to the well-being of the department and the University community.

For new appointments, reappointments through the tenure decision year, and for the award of tenure, these considerations must be given in writing as established in Section 6.4 (e).

Section 4.3. The standards and criteria described in this document and any standards and criteria established in Trustee-approved campus personnel policies shall be the only standards and criteria used in making and reviewing personnel recommendations.

Section 4.5. The general criteria for reappointment at regular academic ranks shall be the following:

- a) Evidence of continuing achievement and growth since initial appointment

- b) Reasonable assurance of continuing professional development consistent with the ability to reach the level for eventual promotion to the next higher rank.
- c) Consideration of the relationships as stated in Section 4.2.

Section 4.6. Recommendations for promotion shall be based on qualifications and contributions in the areas of teaching; of research, creative, or professional activity; and of service; and on the following considerations:

- a) For promotion to Assistant Professor, the faculty member must possess the appropriate terminal degree, or equivalent professional experience, and have a record of achievement in the field of academic specialization. In addition, the candidate must show promise of continuing professional development and achievement.
- b) For promotion to Associate Professor, the faculty member must have a record of achievement sufficient to have gained recognition on and off campus among scholars or professionals in his or her field; and must show promise of continuing professional development and achievement.
- c) For promotion to Professor, the faculty member must have a record of achievement sufficient to have gained substantial recognition on and off campus from scholars or professionals in his or her field; and must show significant potential for continuing professional achievement.

Section 4.7. All appointments and reappointments to regular academic positions without the award of tenure are probationary. The probationary period is an opportunity for the faculty member to demonstrate the qualifications for reappointment, promotion, and the award of tenure. During the probationary period, the faculty member should have access to information on the substantive and procedural standards generally employed in decisions affecting reappointment, promotion, and the award of tenure.

Section 4.8. No regular academic appointment without tenure shall carry with it any assurance, explicit or implicit, of a reappointment, a promotion, or the eventual award of tenure. Such actions must be based on a positive recommendation in accordance with procedures and standards established in Articles II, III, IV, and VI.

Section 4.9. The award of tenure can be made only by the president with the concurrence of the Board of Trustees. Consideration of a candidate for tenure shall be based on the following:

- a) Convincing evidence of excellence in at least two, and strength in the third, of the areas of teaching; of research; creative or professional activity; and of service, such as to demonstrate the possession of qualities appropriate to a member of the faculty occupying a permanent position.
- b) Reasonable assurance of continuing development and achievement leading to further contributions to the university.
- c) The relationships as stated in Section 4.2.

Recommendations for the granting of tenure without promotion to Associate Professor must be accompanied by compelling reasons stated in detail.

ARTICLE V. RIGHTS OF MEMBERS OF THE FACULTY IN ACADEMIC PERSONNEL MATTERS AND RESPONSIBILITIES AS CONDITIONS OF EMPLOYMENT

Section 5.1. Policies, criteria, and procedural standards established herein and additional policies, criteria, or procedures established on the campuses shall not infringe upon the following rights of faculty members in personnel matters:

- a) For personnel, reviews, recommendations and decisions, the right and the responsibility to present all materials which he or she believes will be essential to an adequate consideration of the case, and the opportunity to supplement the original presentation with additional relevant information in the event that a review indicates shortcomings in the presentation.
- b) The right to have access to information on the current needs and long-range plans of the department, college or school, campus and University.
- c) The right to have extra-departmental service contributions considered at the department level as well as at other levels of review, recommendation and decision.
- d) The right to be considered for tenure if given an appointment or a reappointment through the end of the probationary period.
- e) The right to equitable treatment in personnel matters so as to ensure generally consistent recognition to departmental faculty members whose chosen field, overall professional development, period of service on the campus, and quality of contributions, all taken as a whole, are judged to be approximately equal.
- f) The right to discuss his or her professional progress and any personnel matter of concern with his or her Department Chairperson/Head; and, if such discussions prove unsatisfactory, with the Dean; and, if still unsatisfied, with the Provost.
- g) The right to be informed of the personnel recommendation made at the department, college or school, and campus level.
- h) The right to notification of non-reappointment as specified in Section 6.7.
- i) The right to discuss reasons for a negative personnel decision at all appropriate administrative levels as specified in Section 6.10.
- j) The right to invoke the grievance procedures, under the conditions specified in Trustee grievance policy.

MSP Contract Language

- 12.1 High professional standards must be the basis for all personnel decisions. Personnel recommendations and decisions shall be made only after a review of all the qualifications and all the contributions of the individual in the areas of teaching; of research, creative or professional activity; and of service. All three areas must be considered but the relative weight to be given each may be determined in the light of the duties of the faculty member. Final decisions are made only after giving serious consideration to all the materials in the basic file as well as to the professional judgments of the departmental personnel committee, which are and ought to be given great weight.
- 12.2 In order to maintain the academic excellence of the University, current academic standards and criteria for faculty personnel actions, except as modified in this Agreement, shall remain in effect for the duration of this Agreement.
- 12.7 In reviews for major personnel actions for faculty--reappointments through the tenure decision year, promotion to the ranks of associate professor and professor and the award of tenure--the procedures listed below shall be followed:
 - 12.7.1 Notice of a personnel review for reappointment or tenure shall be sent to the faculty member no later than the end of the third calendar week of the semester in which the review is to be initiated.
 - 12.7.2 As provided in Sections 24.4 and 24.5, a basic file shall be created for each major personnel action. This file shall be supplemented and reviewed at the departmental level and supplemented and reviewed at each successive level of recommendation or decision. The file shall contain the materials listed in Subsection 12.7.6.
 - 12.7.3 The faculty member shall submit to the department/program chairperson/head any and all materials for inclusion in the basic file that he/she believes will be essential to an adequate consideration of the case.
 - 12.7.4 For appointment at or promotion to the rank of associate professor and professor and for all tenure recommendations, the chairperson/head shall solicit outside letters of reference drawn from a list of scholars and/or professionals. The solicited referees shall include scholars and professionals from among those suggested by the faculty member (if he/she wishes to do so), but the list is not limited to those the faculty member suggests. Prior to this solicitation, the candidate shall be provided with a copy of the solicitation letter and the list of proposed referees and shall be given an opportunity to comment on the appropriateness of both.
 - 12.7.5 At any time subsequent to the recommendation of the Department Personnel Committee, the materials in the basic file, with the exception of letters of

recommendation to which the faculty member has voluntarily waived access, shall be accessible to the faculty member upon request.

12.7.6 The basic file shall contain the following materials:

- (a) When the basic file is forwarded from the departmental level it shall contain:
 - 1. a table of contents;
 - 2. a current curriculum vitae (including a bibliography and/or comparable list of professional accomplishments);
 - 3. copies and reviews of published works and/or evidence of other professional accomplishments;
 - 4. evaluations of teaching effectiveness, including but not limited to those of students;
 - 5. letters of reference solicited by the chairperson/head and a description of the professional standing of the writers of letters of reference from outside the University and a statement of any relationship the writer may have had to the faculty member;
 - 6. evaluations of service;
 - 7. any and all materials submitted by the faculty member;
 - 8. the recommendation and the numerical vote at the departmental level;
 - 9. the recommendation of the chairperson/head.

- (b) At subsequent levels there shall be added the following:
 - 1. the recommendation and numerical vote of the faculty, school or college personnel committee;
 - 2. the recommendation(s) and decision of academic administrative officials;
 - 3. other materials solicited, submitted or received during the review process, including, by way of example, additional materials submitted by the faculty member, additional letters of reference and/or additional information received in response to the invitations issued under Subsections 12.7.13-12.7.16. When material is added to the basic file beyond the departmental level, the departmental personnel committee (or other appropriate mechanism) and the chairperson/head shall have the opportunity to respond as to its substance and appropriateness; unless it is protected by waiver, the faculty member shall also have this opportunity.

12.7.7 A copy of the table of contents and the recommendation from the Personnel Committee shall be sent to the faculty member when the basic file is forwarded to the Department Chair/Head.

- 12.7.8 A copy of the updated table of contents and the recommendation from the Department Chair/Head shall be sent to the faculty member when the basic file is forwarded to the School or College Personnel Committee.
- 12.7.9 A copy of the updated table of contents and the recommendation of the School or College Personnel Committee shall be sent to the faculty member and to the department when the basic file is forwarded to the Dean.
- 12.7.10 A copy of the updated table of contents and the recommendation of the Dean shall be sent to the faculty member, the Chair of the School or College Personnel Committee and the department when the basic file is forwarded to the Provost or the Chancellor.
- 12.7.11 A copy of the updated table of contents and the decision of the Chancellor and/or the Provost shall be sent to the faculty member, the Dean, the Chair of the School or College Personnel Committee and the department at the time the decision is made.
- 12.7.12 A copy of the updated table of contents and the recommendation of the Chancellor and/or the Provost shall be sent to the faculty member, the Dean, the Chair of the School or College Personnel Committee and the department when the Chancellor or the Provost forwards a recommendation for tenure to the President.
- 12.7.13 A copy of the updated table of contents and the decision of the President shall be sent to the Chancellor and/or the Provost, the Dean, the Chair of the School or College Personnel Committee, the department and the faculty member when the President has made a decision in the case of a recommendation for tenure forwarded by the campus.
- 12.7.14 Prior to making a recommendation that may be contrary to either of the recommendations forwarded from the departmental level, the School or College Personnel Committee shall consult with the department.
- 12.7.15 Prior to making a recommendation that may be contrary to either of the recommendations forwarded from the departmental level, the Dean shall invite the department to provide additional information for the basic file or clarification of the recommendation.
- 12.7.16 Prior to making a recommendation or decision that may be contrary to either of the recommendations forwarded from the school or college level, the Chancellor or Provost shall invite the Dean to provide additional information for the basic file or clarification of the recommendation.
- 12.7.17 Prior to reversing the recommendation of the Chancellor and/or the Provost for tenure, the President shall invite the Chancellor and/or Provost to provide additional information for the basic file or clarification of the recommendation.

12.7.18 A campus academic administrative official shall make his/her recommendation or decision within forty-five (45) calendar days of receipt or the deadline for receipt (whichever is later) of both the basic file, including all relevant Personnel Committee recommendations, and all additional information or clarifications subsequently requested by the academic administrative official from the department or college; except that, in tenure and reappointment cases, the Provost shall notify the faculty member of his/her recommendation or decision no later than the applicable notice deadline specified in the Academic Personnel Policy of the University of Massachusetts Amherst (T76-081) (not later than March 1 of the first academic year of service if the appointment expires at the end of that year, or at least three months in advance of its termination if an initial one-year appointment terminates during an academic year; not later than December 15 of the second academic year of service if the appointment expires at the end of that year, or at least six months in advance of its termination if an initial two-year appointment terminates during an academic year; and not later than August 15 prior to the year of the last academic appointment after more than two academic years of service, or at least twelve months in advance of its termination if an appointment terminates during an academic year), even if that deadline does not allow the full forty-five-day period for review.

LECTURER PROMOTIONS

- 21.10.1 Progressive Lecturer Titles. The progressive ranks of non-tenure track faculty shall be: Lecturer, Senior Lecturer, and Senior Lecturer II.
- 21.10.2 Progression in ranks.
- a) Lecturers who have completed six years of full time equivalent service are eligible for promotion to Senior Lecturer.
 - b) Senior Lecturers who have completed six years of full time equivalent service in that title are eligible for promotion to Senior Lecturer II.
- 21.10.3 Eligibility for promotion. All Lecturers with at least six years of full-time-equivalent service as a Lecturer, Lecturer II, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professor, Instructors, or in a position, excluding student employment, with duties and responsibilities substantially the same as Lecturer, will be eligible for consideration for promotion to the rank of Senior Lecturer. All Senior Lecturers with at least six years of full-time-equivalent service as a Senior Lecturer or in a position, excluding student employment, with duties and responsibilities substantially the same as Senior Lecturers, will be eligible for consideration for promotion to the rank of Senior Lecturer II.
- 21.10.4 Promotion Standards and Criteria: In addition to having accrued the necessary service credit, a candidate for promotion to Senior Lecturer or Senior Lecturer II must demonstrate evidence of:
- a) Meritorious performance in the area(s) of the candidate's responsibility
 - b) Promise of continuing professional development and achievement
- 21.10.5 Review Process: Candidates for promotion to the rank of Senior Lecturer or Senior Lecturer II shall follow this review process:
- a) Candidates who believe they are eligible to apply for promotion consult with the Department Chair/Head to confirm eligibility.
 - b) The candidate assembles a portfolio of accomplishments in his/her area(s) of responsibility, including a personal statement, a current curriculum vitae, and all other materials that he or she believes will be essential to an adequate consideration of the case and submits the portfolio to his/her Department Head/Chair.
 - c) If the candidate wishes to include in the portfolio letters of evaluation from scholars or professionals in other University departments or from outside the University, he/she supplies a list of such evaluators to the Department Head/Chair with the portfolio. The Head/Chair solicits evaluations from the individuals suggested by the candidate and may solicit evaluations from other relevant scholars and professionals.
 - d) The Department Head/Chair adds to the file all available evaluations of teaching effectiveness.

- e) The Department Personnel Committee reviews the portfolio and forwards its vote and recommendation to the Department Head/Chair, simultaneously sending a copy to the candidate.
- f) The Department Head/Chair reviews the portfolio and forwards his/her recommendation to the relevant college review committee (as described in paragraph 21.10.7(g) below), simultaneously sending a copy to the candidate.
- g) College Review Committees shall be constituted from three to five lecturers, elected by the lecturers in the respective schools and colleges. These committees review the portfolio and forward their votes and recommendations to the Dean, simultaneously sending a copy to the candidate.
- h) The Dean reviews the portfolio and forwards his/her recommendation to the Provost, simultaneously sending a copy to the candidate.
- i) The Provost reviews the portfolio and informs the candidate and all previous levels of review of his/her decision.

21.10.6 Timing: The candidate may submit his/her portfolio no later than the first day of the spring semester of the academic year in which he or she has accrued or will accrue the equivalent of six years of full-time service in his/her current rank. The review process will be conducted during the spring semester of that academic year; resulting promotions will be effective on the following September 1st. The candidate will be notified of the Provost's decision no later than August 15 of the summer after the academic year in which the review takes place.

21.10.7 Effective Date of Promotion: The promotion of a successful candidate will take effect on September 1 of the academic year following the Provost's decision.

21.11 Continuity of Service and Seniority.

21.11.1 Continuity of service and accrual of seniority shall not be deemed broken by:

- a) Periods of authorized leave.
- b) For faculty without benefits, absences of four or fewer consecutive semesters for reasons that would meet the qualifications for family leave under the Family Medical Leave Act.
- c) Periods of fewer than three consecutive semesters without appointments due to unavailability of work as determined by the Administration.
- d) Absence of four or fewer consecutive semesters for the purpose of professional development as recommended by the Department Chair/Head and approved by the Dean.
- e) Periods of layoff, but additional seniority shall not accrue during such periods of layoff.

21.11.2 Service that is followed by a break in service of more than five years shall not be included in the calculation of seniority, and service that is followed by a break in

service of two or more semesters shall not be included in the calculation of eligibility for continuing appointment.

PERIODIC MULTI-YEAR REVIEW

Article 34

- 34.1 Periodic Multi-Year Review of tenured faculty members and librarians on continuing appointments shall be conducted in accordance with the “Policy on Periodic Multi-Year Review,” attached hereto as Appendix A and Appendix A(L).
- 34.2 Each bargaining unit member who completes PMYR or a successful review for promotion to the rank of Professor or Librarian V and submits a bona fide request for development funds shall receive an allocation of \$2,000 for that purpose. In any year in which the total amount awarded to bargaining unit members is less than \$2,000 times the number of bargaining unit members who complete PMYR or a successful review for promotion to the rank of Professor or Librarian V, the remaining funds will be added to the Institute for Teaching Excellence and Faculty Development funds described below.

** Note: Below is the PMYR process for faculty. Because the process for librarians is nearly identical it’s not been included here but can be viewed in the MSP contract at APPENDIX A(L) **

Appendix A Policy on Periodic Multi-Year Review of Faculty (PMYR) Amherst campus

PREAMBLE

The practice of regular annual review of faculty performance based upon an annual faculty report (AFR) and involving peer review by departmental personnel committees and administrative review by chairs and deans is well established on the Amherst campus. The AFR serves as the primary basis for the award of merit monies when they are available and is intended to be a mandatory yearly review of faculty performance even in the absence of merit. Because faculty members continue to review their professional activity every year of their careers at the University, including after tenure and promotion, the AFR must be a principal ingredient of any process of post-tenure review.

In addition, significant multi-year reviews of faculty performance are conducted at the time of major personnel actions: appointment through the tenure decision year, tenure, and promotion to full professor. These reviews evaluate the performance of the faculty member in the three mandatory categories of teaching, research, and service in regard to established standards for the personnel actions, including the expectation of continued professional development and performance.

A multi-year review of all faculty, which is distinct from the annual and major personnel action reviews, serves a number of internal purposes. First, such a review expands the narrow time window of the annual reviews into an overview of a faculty member’s interests, capabilities, and performance that will both inform evaluations and rewards and aid academic planning. Second, such periodic overviews make possible timely consultation, intervention, and

assistance that will stimulate and encourage professional development, new initiatives, and/or changes in direction that will benefit both the faculty member and the institution. The multi-year review will also effectively account for faculty members' professional activity.

In adopting a PMYR policy, the university and the tenured faculty, represented by the Massachusetts Society of Professors, MTA/NEA, address the external concern for accountability, while upholding the integrity of tenure and academic freedom. PMYR addresses accountability by fostering continued professional development.

PURPOSE

The primary purpose of Periodic Multi-Year Review (PMYR) is to assist tenured faculty in their continuing professional development. A faculty member who has been awarded tenure has demonstrated excellent performance and represents a large investment on the part of the University. Tenure is awarded on the basis of an expectation that the faculty member will continue to develop professionally and demonstrate a continued high level of performance. PMYR evaluates performance over a number of years and assures that the talents of faculty members and their contributions to the University are maximized throughout their careers.

PRINCIPLES

1. Our present review procedures encourage short-term assessment of individual accomplishment. PMYR should foster a longer-term view of an individual's performance and contributions to the University.
2. PMYR must assure the protection of the faculty member's academic freedom, and right to full and free inquiry, as prescribed in the contract.
3. PMYR is neither retenuing nor a major personnel action as defined in the collective bargaining agreement.
4. PMYR should be appropriately linked to the annual faculty reviews [AFRs] and should not involve the creation of additional unnecessary bureaucracy.
5. PMYR should include both self-assessment and internal peer review, as well as assessment by the department chair and dean.
6. Standards of evaluation in each department will be fair and consistent with departmental, college, and campus practice.
7. PMYR is intended to recognize that individual interests and abilities of faculty members may change over time, and that faculty members may meet their professional responsibilities to their department in varied and changing ways.

TIMING OF PROCESS

1. PMYR is to be conducted every seven years for all tenured faculty members. Persons who have indicated, in writing, their intention to retire within a three-year period will not be subject to PMYR.
2. The first formal consideration of an associate professor for promotion to full professor may be substituted for the initial PMYR unless such promotion consideration is delayed beyond seven years past the promotion to associate professor. If a person is formally considered for promotion to full professor but not promoted and is not subsequently reconsidered for

promotion in the interval before the next sabbatical, PMYR will take place two years before the scheduled year of that sabbatical.

3. The time of the PMYR may be altered, upon written agreement between the individual and the department chair, in the following circumstances:
 - a. When the faculty member is named to a full-time administrative appointment, the faculty member will have the option of delaying the review for up to three years following the return to normal faculty assignments.
 - b. When the faculty member is granted a leave without pay for an academic year. A leave of less than one academic year in duration shall not affect the time of the PMYR.
 - c. When the faculty member expresses in writing his or her intention to retire within three years of the time of the scheduled review, the review shall be canceled. If the intention to retire is rescinded, the faculty member shall undergo PMYR in the next annual cycle or during the annual cycle in which the faculty member had originally been scheduled to undergo PMYR, whichever is later.
 - d. Upon request initiated by the faculty member and approved by the department chair and the dean.

REVIEW MATERIALS

The foundation of the review will include a brief statement, typically between 1000-2000 and not to exceed 2500 words, submitted by the faculty member that summarizes and assesses his/her principal activities during the period since the last PMYR or promotion review, and his/her goals and approach to achieving such goals in the areas of teaching, research/scholarship, creative and/or professional activity and service in the coming years. If the individual's statement calls for a major new initiative or change in the direction of her/his work, the statement will include any requests for additional developmental support needed for that initiative or change in direction. In addition, the faculty member will submit a current curriculum vitae. The department chair will supply all evaluations of the faculty member's teaching performance carried out during the previous six years, and the annual faculty evaluation reports (AFRs) for the prior six years and the current year, including any supplemental materials that normally accompany AFRs.

REVIEW PROCESS

The Departmental Personnel Committee or other elected committee [hereafter referred to as DPC] and the Department Chair will review the individual's AFRs, curriculum vitae, teaching evaluations, and the submitted statement. After review of the materials, the DPC and the Chair will each recommend that the statement submitted by the faculty member be either:

- (1) Accepted, with further comments or suggestions optional, or
- (2) Revised.

A recommendation to accept the submitted statement will be made when the individual's past performance and future goals, as documented in the materials submitted, indicates that no changes in the faculty member's work or plans are seen as required in order to promote the continued contribution to the University and professional progress of the faculty member. A

recommendation to revise the submitted statement will be made when the individual's past performance and future goals, as documented in the materials submitted, suggests that a significant change in the faculty member's work or goals (one that is substantially different from that proposed by the faculty member) is indicated in order to promote the faculty member's continued effective contribution and professional progress.

If both the DPC and the Chair recommend "Statement accepted" and the dean concurs, then no further action will be taken, and the review will be concluded. If the dean does not concur, the statement along with specific comments from the dean explaining the nonconcurrency will be returned to the faculty member, personnel committee, and chair for revision.

If either the DPC or the Chair recommends "Statement revised," or the dean indicates nonconcurrency, the DPC and Chair both shall meet with the individual to discuss ways of optimizing the faculty member's professional contribution through a revised statement. The faculty member shall be allowed to present any supplemental documentation about his or her performance at this time. The intent of the revised statement is to support and encourage the faculty member's effective contribution and professional development, and it shall in no way impinge on the faculty member's academic freedom. Opportunities to develop professionally may include, but are not limited to, consultation with colleagues to assist in problem areas, a change in department assignments to facilitate improvement in teaching, research or service, the design of a sabbatical leave which is crafted to address the identified needs, and referral to the Institute for Teaching Excellence and Faculty Development, if appropriate.

If a revised statement agreeable to the faculty member, the DPC and the chair cannot be achieved, the situation will be referred to a five-person college level appeal committee, two members of which are to be nominated and elected by the members of the faculty member's college to serve for a staggered period of two years, two members of which are to be appointed by the dean to serve for a staggered period of two years, and one member of which will be selected by the faculty member to serve as his or her representative. In smaller colleges (Education, Engineering, Management, Nursing, and Public Health and Health Sciences), the committee will include one member elected by the faculty of the college, one appointed by the dean, and one selected by the faculty member. The faculty member shall have the right to remove any committee members (up to six) whose participation he or she deems inappropriate. The committee including the faculty member's representative will draft a statement in consultation with the chair, the DPC and the faculty member. This will be the revised statement when adopted by majority vote of the committee.

The revised statement will address the issues identified, will include a timetable and criteria for a follow-up review to take place in three years, and will be signed by the faculty member, the department chair and the dean to signify that all parties have received copies. The revised statement may include a reallocation of the faculty member's effort and such reallocation will itself not diminish the faculty member's entitlement to merit funds; nor shall it impinge on his/her academic freedom. Any proposed reallocation of duties should not be designed, intended or used for the purposes of controlling, restricting or redirecting the nature of the faculty member's research or scholarship in his/her field. The revised statement also will

indicate what resources or other support will be devoted to promoting the success of the revised statement.

Participation in the PMYR process as described above is required of all tenured faculty members.

During the three-year period after development of a revised statement, the DPC and the chair will consult as needed with the faculty member, and at least annually will comment in writing on the faculty member's progress toward the goals set forth in the revised statement. The dean will review these comments and may comment as well. At the end of this three-year period, the DPC, the chair, and the dean each will evaluate in writing the extent to which the goals of the revised statement have been achieved. If the parties concur that the goals have been achieved, the recommendation will be that a subsequent PMYR will take place in four years, restoring the seven-year cycle. If they do not concur, other possibilities may be discussed. The dean may determine that no further efforts at faculty development are warranted and may refer the matter to the provost for disciplinary action or dismissal, consistent with the requirements of the Union contract.

The fact of a faculty member's refusal to accept or to implement the revised statement shall not be a basis for discipline, and no aspect of the PMYR process, including but not limited to informal discussion, written recommendations, or the fact or details of any revised statements generated as part of the process shall be considered as an initial stage in any disciplinary process or be introduced as evidence or otherwise referred to in any later disciplinary procedures. This exclusion does not apply to any document or record originally intended for a use other than the PMYR, e.g. the AFR, nor to any aspect of a faculty member's performance that may have been considered in the PMYR process and may be separately considered in a subsequent disciplinary process. Nothing in this policy changes the "just cause" standard set forth in the collective bargaining agreement under which a faculty member may be considered for dismissal.

ASSESSMENT

Each dean will prepare an annual report to the Provost on the PMYR process in his/her college. This report, which will be reviewed by the Provost to ensure that the PMYR process is being appropriately and consistently carried out across the campus, will include a summary of the number of PMYRs conducted and their results and relevant details about all instances in which a revised plan was developed.

Periodically after implementation of PMYR, the parties will jointly evaluate and report to the campus on how the policy is working.

Article 12.8 A copy of any recommendation or decision made by a personnel committee or academic administrator with respect to a faculty member's sabbatical leave application and Periodic Multi-Year Review shall be sent to the faculty member at the time the recommendation is forwarded to the next level of review or the decision is made.

ANOMALY INCREASES

26.9 Anomaly increases may be awarded as described below to address some effects of external market forces. A salary anomaly exists whenever a faculty member or librarian is paid at a salary that is significantly lower than his or her colleagues in the same discipline (or closely related discipline), and where there exists no legitimate reason for the disparity. Anomaly adjustments shall not counteract salary differences created by merit increases, by increases to individuals who have received retention increases under Section 26.7 of this Agreement, by the long-term compounding effects of early promotion to Associate Professor, by stipends, or by differences in prevailing market rates in sub-disciplines within a single department.

26.9.1 Anomaly Increases

- a) Eligibility. All bargaining-unit members, including part-time and NTT faculty, are eligible for anomaly increases.
- b) Process. The process for making salary anomaly adjustments shall begin with a recommendation from the Department Personnel Committee (DPC) or the Librarian Personnel Committee (LPC) or other appropriate mechanism. The DPC/LPC shall initiate the process or shall make a recommendation in response to a proposal for an adjustment from a unit member, Chair/Head, or Dean or Director of Libraries. In the circumstance where such request is denied due to lack of funding, the proposed adjustment shall be automatically reconsidered annually until such time as the request is approved for funding.

The original DPC/LPC recommendation and recommendations from the Department Head/Chair and the Dean/Director of Libraries shall be forwarded through each level of review (inclusive of the final decision of the Provost), in a timely fashion, and copies shall be simultaneously sent to the bargaining unit member under consideration. Final decisions on salary anomaly adjustments shall be made by the Provost.

There shall be no limit on the number of salary anomaly adjustments in Category 1 as described below. From departments with five or fewer faculty members, the DPC may make one recommendation per year for an adjustment from categories 2, 3, and 4 combined. For departments with between five and twenty members, that number shall be two per year, and for departments with more than twenty members, that number shall be three per year. In no single year may the Provost make more than twenty-four salary anomaly adjustments from Categories 2, 3, and 4 combined. There shall be no exceptions to these limits.

- c) Timetable. The timetable for making salary anomaly adjustments shall be specified in the Campus Master Calendar. Departments shall be provided with a copy of this Article.
- d) Categories of Anomaly Increases. The categories of individuals eligible for salary anomaly adjustments shall be the following:

- (1) Category 1: Any faculty member or librarian whose salary is lower than the most recent starting salary in the department for the same or lower rank after adding a factor of \$1,000 for each of his or her years of service to the amount of that recent starting salary.
 - (2) Category 2: Any junior, probationary faculty member whose salary at the end of the third year of full-time service is below the median salary for the rank in his or her department; when comparison cannot be made within the department because there are three or fewer faculty in rank within the department, any junior, probationary faculty member whose salary at the end of the third year of full-time service is below the median salary for the rank in the school or college.
 - (3) Category 3: Any other full-time bargaining unit member whose salary is below the median salary for the rank in his or her department and whose salary, compared to other salaries in the department, is below salaries of those with comparable years of service and/or achievement; when comparison cannot be made within the department because there are three or fewer faculty in rank within the department, any full-time bargaining unit member whose salary is below the median salary for the rank in the school or college or library division, and whose salary, compared to other salaries in the school, college, or library division, is below salaries of those with comparable years of service and/or achievement.
 - (4) Category 4: Other bargaining unit members who are not included under categories 1-3.
- e) At the end of each academic year, the Provost shall provide to the Union a list of all salary adjustments recommended by the DPC/LPC under the above process, the amount of each adjustment recommended, the category under which each adjustment falls, the recommendation made at each level, and the Provost's decision, with the amount of the salary anomaly adjustment approved. The Provost shall also provide to the Union all proposals for category 4 anomaly increases that are awarded, along with the recommendation at each level.
 - f) Any procedural violations of Article 26.9 shall be grievable under Article 25, except that the decision of the Provost shall not be grievable under Article 25.
 - g) In each fiscal year, there shall be a minimum of 40 anomaly adjustments. The Provost will annually encourage that all schools and colleges address anomalies. At least half of the anomaly adjustments made in each year shall be in Category 1.
 - h) The Provost will annually remind DPCs, Department Chairs/Heads, and Deans that Lecturers are eligible for anomaly increases under Category 1.
 - i) Effective Date & Notifications: Anomaly increases approved by the Provost shall take effect on September 1 of the ensuing academic year.
 - j) Central Anomaly Pool: In each year of this Agreement, the Provost shall set aside a centrally funded anomaly pool of \$100,000 for the support of the anomaly program. The award of increases from this pool shall be made at the discretion of the Provost but shall be consistent with the principles described in Section 26.9.1 and shall be used to supplement anomaly funding in colleges with insufficient resources.