

Faculty Association Bargaining Unit Members:

A number of departments are considering adding external review of scholarship to their procedures for reappointment, tenure, and promotion. The Agreement has several provisions that affect how such a review can be carried out. The purpose of this message is to make sure all bargaining unit members are aware of the issues and to offer advice for bylaw revisions in this area.

The relevant passages of the Agreement are:

1. Article 14, paragraph 30 : "All evidence not submitted by the bargaining unit member and used in making recommendations concerning RTP shall be shared with the bargaining unit member normally two weeks before such recommendations are made and passed on to the next level. The bargaining unit member shall be provided an opportunity to address such evidence. At the request of the bargaining unit member, a description of such evidence used in these matters shall be reduced to written form."

2. Article 11, paragraph 9 : "All written material used by the dean or Provost in making recommendations concerning RTP and disciplinary matters shall be contained in [the bargaining unit member's personnel] files at the time of these recommendations."

3. Article 11, paragraph 10 : "There shall be no confidential material in these official personnel files except for pre-employment materials."

The first item from 14.30 means that if external reviews are obtained, they must be shared with the candidate who then must be given an opportunity to respond in writing prior to the RTP recommendation.

The language in 11.9 means that the RTP dossier submitted by the candidate (and any materials added to it in accordance with 14.30) becomes part of the individual's personnel file during the RTP process, while 11.10 means that no anonymous material can be added to a person's RTP dossier.

Given these provisions, we believe that it would be a violation of the contract

to have an external review process where the candidate did not have access to the letters and the identities of the reviewers as well as an opportunity to respond to them in a document that becomes part of the application record.

Although 14.30 appears to leave open the possibility of the department or a dean collecting the letters and then providing a written summary or perhaps the letters themselves with identifying information redacted, we believe that the prohibition of confidential material contained in 11.9/11.10 precludes the use of redacted letters or summaries.

We understand that potential reviewers may prefer confidentiality and that those who agree to write under conditions where their identities will be revealed to the candidate may write different letters as a result. However, we believe that the importance of the protections afforded by the Agreement in this area should take precedence over a department's (or dean's) desire for an anonymous review process. From the candidate's standpoint, it seems clear that knowledge of the identities of the reviewers would be an important piece of information in determining how to respond to the opinions expressed in the letters.

In a larger context, if bargaining unit members display a willingness to forego these important protections by proposing procedures that do not adhere to them, it will not be long before the administration proposes removing them from or modifying them in the Agreement.

For these reasons, we strongly advise departments against proposing procedures for external review that fail to give candidates access to the full letters with their authors' identities.

Sincerely,

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Faculty Association Grievance Committee Chairs