

February 26, 2018

**MEMORANDUM**

To: College Presidents  
Chief Academic Officers and Provosts  
Legal Affairs Designees  
Labor Designees

From: Vita C. Rabinowitz   
Executive Vice Chancellor and University Provost

Loretta P. Martinez, Esq.   
General Counsel & Vice Chancellor for Legal Affairs

Re: Revised Pre-tenure Review Policy

---

At its October 23, 2017 meeting, the Board of Trustees adopted a revised Pre-Tenure Review Policy for the University, superseding the policy adopted by the Board on February 28, 2011. A copy of the new policy is attached to this memorandum and is set forth in full below.

The revised Pre-Tenure Review Policy was the result of discussions with the Professional Staff Congress/CUNY, which had filed a filed an improper practice charge with the New York State Public Employment Relations Board (PERB) regarding CUNY's refusal to bargain with the union regarding the 2011 policy. While CUNY disagreed with the PSC's position about bargaining, the parties were able to resolve the matter by agreeing to a mutually acceptable policy. This policy preserves the University's right to have a Dean conduct a review of a tenure-track faculty member's record at the end of his/her third year of service, and prepare a written memorandum setting forth the faculty member's strengths and weaknesses, which goes into the faculty member's personnel file. The new policy is very similar to policies that had been in effect at numerous colleges before the adoption of a University-wide policy in 2011.

The revised Pre-Tenure Review Policy provides that "[t]here shall be a dean's review for each untenured tenure-track faculty member in his/her third year of service" and that such review will be conducted as follows:

1. Toward the end of the spring semester, after the department chair's annual evaluation memorandum but before the spring commencement, the dean of the appropriate school,

division, or other academic unit in which the faculty member serves (or if there is no such dean, the appropriate academic administrator designated by the President) shall review the professional record of the faculty member.

2. The professional record shall consist of all materials used by the chair in creating the third-year annual evaluation memorandum, plus the third-year evaluation and the contents of the faculty member's personnel file. No additional documentation shall be required. The record will not include any external reviews.
3. If the dean believes the total academic performance of the faculty member is not sufficiently set forth in the third-year annual evaluation memorandum, the dean shall prepare a draft memorandum to the department chair that specifies the strengths and weaknesses of the faculty member's total academic performance in light of the criteria for tenure consistent with established University policies. The dean shall share the draft with the department chair and discuss it, after which a copy of the draft memorandum shall be sent to the faculty member.
4. Thereafter, there shall be a meeting with the faculty member to discuss the draft memorandum. The college shall decide whether the meeting is with the dean or the department chair. If the faculty member requests it, the dean (if the meeting is with the chair) or the chair (if the meeting is with the dean) shall also be included at the meeting.
5. Within ten (10) days after the meeting set forth in paragraph 4, the dean shall issue a final memorandum to the department chair with a copy to the faculty member. The department chair shall have the faculty member initial the dean's memorandum solely to show receipt of the dean's memorandum and place it in the faculty member's personal personnel file. The faculty member shall retain all rights under Articles 19 and 20 of the PSC/CUNY collective bargaining agreement.
6. A college president may choose to conduct the dean's review for all affected faculty in the fall or spring of the faculty member's fourth year of service instead of the third year of service with notice to the faculty in which case all references to the third year in this procedure will refer to the year in which the evaluation is conducted.

As is evident from the text of the policy, there are several significant differences between this policy and the 2011 policy. Specifically:

- Under this new policy, a pre-tenure review must be conducted for each faculty member in the third year of service. However, a written memorandum is only required where a Dean finds that the total academic performance of the faculty member is not sufficiently set forth in the third-year evaluation memorandum. We anticipate that it will almost always be the case that there is some additional guidance that a Dean will want to bring to a faculty member's attention, and that a written memo will be prepared except in exceptional circumstances.
- Because the Dean writes a draft of the memorandum and there is a meeting with the faculty member before the memorandum is finalized, there is no need for the Dean to write an addendum to the original memorandum following the meeting.

If the meeting to discuss the draft memorandum is with the Department Chair, rather than the Dean, the Chair should relay the faculty member's comments to the Dean so that the Dean can make any appropriate revisions to the final memorandum.

- The new policy deletes the option for colleges to adopt procedures consistent with the policy, including about whether the Dean or the Chair shall conduct the discussion with the faculty member (under this policy, the College can choose either). It also deletes the option for the College to conduct more than one pre-tenure review.

If you have any questions regarding this new policy, please contact Kathy Raymond in the Office of the General Counsel, [katherine.raymond@cuny.edu](mailto:katherine.raymond@cuny.edu), 646-664-9207 or Annemarie Nicols-Grinenko, University Associate Dean for Faculty Affairs, [Annemarie.nicols-grinenko@cuny.edu](mailto:Annemarie.nicols-grinenko@cuny.edu), 646-664-8068.

## PRE-TENURE YEAR REVIEW POLICY

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

1. Toward the end of the spring semester, after the department chair's annual evaluation memorandum but before the spring commencement, the dean of the appropriate school, division, or other academic unit in which the faculty member serves (or if there is no such dean, the appropriate academic administrator designated by the President) shall review the professional record of the faculty member.
2. The professional record shall consist of all materials used by the chair in creating the third-year annual evaluation memorandum, plus the third-year evaluation and the contents of the faculty member's personnel file. No additional documentation shall be required. The record will not include any external reviews.
3. If the dean believes the total academic performance of the faculty member is not sufficiently set forth in the third-year annual evaluation memorandum, the dean shall prepare a draft memorandum to the department chair that specifies the strengths and weaknesses of the faculty member's total academic performance in light of the criteria for tenure consistent with established University policies. The dean shall share the draft with the department chair and discuss it, after which a copy of the draft memorandum shall be sent to the faculty member.
4. Thereafter, there shall be a meeting with the faculty member to discuss the draft memorandum. The college shall decide whether the meeting is with the dean or the department chair. If the faculty member requests it, the dean (if the meeting is with the chair) or the chair (if the meeting is with the dean) shall also be included at the meeting.
5. Within ten (10) days after the meeting set forth in paragraph 4, the dean shall issue a final memorandum to the department chair with a copy to the faculty member. The department chair shall have the faculty member initial the dean's memorandum solely to show receipt of the dean's memorandum and place it in the faculty member's personal personnel file. The faculty member shall retain all rights under Articles 19 and 20 of the PSC/CUNY collective bargaining agreement.
6. A college president may choose to conduct the dean's review for all affected faculty in the fall or spring of the faculty member's fourth year of service instead of the third year of service with notice to the faculty in which case all references to the third year in this procedure will refer to the year in which the evaluation is conducted.

*Adopted by the Board of Trustees October 23, 2017, superseding policy adopted on February 28, 2011*