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M E M O R A N D U M

March 17, 2025

TO: Department Chairs, Deans, Vice Presidents, and
Other Supervisors of HEOs

FROM: Paul F. Occhiogrosso
Executive Counsel to the President

RE: Guidelines for Annual Evaluations of Full-Time Faculty and
Non-Teaching Instructional Staff[1]

The purpose of this memorandum is to provide Department Chairs (as well as other evaluators designated by the Chair) with guidance on conducting annual performance evaluations of full-time faculty, as well as non-teaching Instructional Staff assigned to academic departments; and to provide such guidance to Vice Presidents, Deans, and other College officials who supervise Higher Education Officer ("HEO")-series employees and other non-teaching Instructional Staff.

Article 18.1 of the PSC/CUNY collective bargaining agreement (the "Contract") explains the importance and purpose of professional evaluations in general:

> The evaluation of the professional activities of all employees in a public institution of higher education is essential to the maintenance of academic and professional standards of excellence. The purpose of professional evaluations shall be to encourage the improvement of individual professional performance and to provide a basis for decisions on reappointment, tenure and promotions. An evaluation of professional activities shall be based on total professional performance. Written evaluation shall be on file for all employees.

[1] This memorandum, which supersedes all prior memos on this subject, is intended to provide information and clarification concerning the procedures applicable to evaluation of full-time faculty, as well as non-teaching Instructional Staff. This memo is based on the applicable provisions of the PSC/CUNY collective bargaining agreement (the "Contract") and relevant arbitration decisions. This memo does not supersede the Contract or the CUNY Bylaws or policies; nor does this memo grant rights or entitlements in any manner not provided by those sources of authority.

A. ANNUAL EVALUATION OF FACULTY

Article 18.3(a) of the Contract[2] sets forth the requirements for annual evaluations of full-time faculty members, as follows:

> **18.3 Annual Evaluations:**
>
> (a) Members of the teaching faculty: At least once each year, each employee other than tenured full professors shall have an evaluation conference with the department chairperson or a member of the departmental P&B committee[3] to be assigned by the chairperson. Tenured full professors may be evaluated. At the conference, the employee's total academic performance and professional progress for that year and cumulatively to date shall be reviewed. Following this conference, the chairperson or assigned member of the P&B shall prepare a record of the discussion in memorandum form for inclusion in the employee's personal file. Within ten (10) working days after the conference, a copy of the memorandum shall be given to the employee. If the overall evaluation is unsatisfactory, the memorandum shall so state. The employee in such case shall have the right to endorse on the memorandum a request to appear in person before the department P&B.
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> Effective with the 2019-2020 academic year, in evaluating members of the teaching instructional staff who, in a given academic year, teach the majority of their classes in a department or program other than the one to which they are appointed, their department chairperson or the members of the departmental P&B committee[4] assigned by their chairperson to conduct the annual evaluations may consult with the director of the program or the chairperson of the other department in which the instructional staff members have taught the majority of their classes and may discuss the comments of the director of the program or the

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2 The full 2017-2023 PSC/CUNY collective bargaining agreement is posted on the PSC website here: https://psc-cuny.org/sites/default/files/PSC-CUNY_2017-2023_Agreement.pdf
CUNY and the PSC have entered into a Memorandum of Agreement ("MOA") for a Successor Collective Bargaining Agreement, dated December 16, 2024, covering the period March 1, 2023 through November 30, 2027, but that MOA does not amend the provisions of Article 18 concerning annual evaluations that are addressed in this memorandum. Therefore, until CUNY and the PSC agree on the text of a new collective bargaining agreement, the 2017-2023 Contract remains in effect, except to the extent amended by the MOA.

3 The Contract uses the generic term "departmental P&B committee" to refer to the departmental personnel committee. This refers to the Department Executive Committee at City College (*see* CCNY Governance Plan, Article IX).

4 *See* footnote 3 above.

chairperson of the other department during the evaluation conference and reference the discussion in the evaluation memorandum.

In accordance with Article 18.3(a) of the Contract, the following procedures should be followed:

Who Is Covered by This Provision?

Article 18.3(a) of the Contract applies to "members of the teaching faculty," which includes full-time Professors (all ranks), as well as Lecturers, Distinguished Lecturers, Instructors, and any other full-time faculty engaged in teaching. Annual evaluations are mandatory, except for tenured full Professors, who "may be evaluated." This provision should be applied uniformly; thus, each department should determine on its own whether tenured full Professors should be evaluated, and if so, then it should be applied to all tenured full Professors in the department, rather than selectively.

Who Conducts the Evaluation?

Annual evaluations are to be conducted by the Department Chair or a member of the Department Executive Committee assigned by the Chair. In order to promote consistency and continuity, it is advisable for the Department Chair to conduct as many of the annual evaluations as feasible. But especially in larger departments, the Chair may determine that it is not feasible for him/her to conduct all of the evaluations, in which case the Chair may assign one or more members of the Department Executive Committee to conduct some of the evaluations; if the Department Chair does so, then the Chair should provide a copy of this memo to each Executive Committee member designated to conduct evaluations.

When Should the Evaluation Be Conducted?

Article 18.3(a) of the Contract does not mandate a specific time; it only says that evaluations are to be conducted "at least once each year." After a faculty member's first full year of service, I recommend that the annual evaluations be conducted late in the Spring semester each year. This allows the evaluator to cover the faculty member's performance for the past academic year, as well as "cumulatively to date," and in the case of untenured faculty it also allows the evaluation to be completed and included in the personnel file before the individual is reviewed for reappointment in the Fall semester.

Since faculty members in their first full year of service must be considered during the Spring semester for reappointment for the second year,[5] I recommend that the annual evaluation be conducted prior to the Department Executive Committee's consideration of such faculty members for reappointment, so that the annual evaluation is available for such consideration.

[5] Pursuant to Article 10.1(a)(1) of the Contract, faculty members in their first year of service who were hired on September 1 must receive notice of reappointment or non-reappointment by April 1, and faculty members who were hired on February 1 must receive such notice by May 1.

How to Conduct the Evaluation

- Many Department Chairs find it useful to have each faculty member submit, in advance of the evaluation conference, an updated *curriculum vitae* or other summary of the faculty member's work over the past year and cumulatively to date. This provides a useful basis for the evaluator to review the faculty member's performance in the main areas of teaching effectiveness, scholarship, and service. There is no required form for such summary.

- The evaluation conference is to be held only between the individual conducting the evaluation and the faculty member being evaluated. No one else may be present during the evaluation conference. Arbitrators have interpreted the contract language "each employee shall have an evaluation conference *with the chairperson or a member of the departmental P&B committee*" (emphasis added) to mean that only the evaluator and the faculty member being evaluated may be present during the evaluation conference. No observer may be present, even if the faculty member requests it.

- Since the written evaluation is to be "a record of the discussion" at the evaluation conference "in memorandum form," the evaluation should not be finalized in advance of the evaluation conference. Rather, the evaluator may, and should, prepare an outline or notes, or even a draft of the evaluation, for use during the evaluation conference. Such outline or draft is for the exclusive use of the evaluator and should not be shared with the faculty member being evaluated.

- Article 18.3(a) of the Contract provides: "At the conference, the employee's total academic performance and professional progress for that year and cumulatively to date shall be reviewed." For professors, "total academic performance" includes the traditional areas enumerated in the Board's *Statement of Academic Personnel Practice* as the criteria for reappointment: teaching effectiveness, scholarship, and service. Evaluators should also consider the more detailed enumeration of "total academic performance" in Article 18.2(a) of the Contract, which is stated to include, but not be limited to, the following elements:

  1. Classroom instruction and related activities;
  2. Administrative assignments;
  3. Research;
  4. Scholarly writing;
  5. Departmental, college and university assignments;
  6. Student guidance;
  7. Course and curricula development;
  8. Creative works in individual's discipline;
  9. Public and professional activities in field of specialty.

  The research and scholarly writing requirement does not apply to Lecturers or Instructors, but rather only to faculty in Professorial titles; thus, Lecturers and Instructors should be evaluated based on teaching and service, as well as any other factors that are relevant to their positions. In accordance with Article 11.7(a) of the Contract, the position of Distinguished Lecturer "will be primarily a teaching position, but it may include research."

- It is essential that annual evaluations be just that – *evaluations*. That is, in order for annual evaluations to be useful to the faculty member being evaluated, as well as to the personnel committees charged with considering the faculty members for reappointment and eventually tenure (or CCE for Lecturers), evaluations must be probative and not just descriptive. It is thus not sufficient simply to list or enumerate the activities in which the faculty member has engaged, including courses taught and scholarship published and in progress. Rather, the evaluator must *evaluate* the faculty member's progress, providing guidance as warranted.

- Following the evaluation conference, Article 18.3(a) of the Contract provides that the evaluator "shall prepare a record of the discussion in memorandum form for inclusion in the employee's personal file." There is no prescribed form for the written evaluation; it should just be a memorandum. Most Chairs and other evaluators find it useful to use headings for the principal areas to be covered – teaching, scholarship, and service.

- In accordance with Article 18.3(a) of the Contract, the written evaluation is a "record of the discussion in memorandum form." Therefore, while the written evaluation is by no means a transcript of the evaluation conference, it should accurately reflect the substance of the actual evaluation conference; it should not contain matters that were not discussed at the conference.

- The completed written evaluation must be given to the faculty member within 10 working days of the evaluation conference. The faculty member should be asked to review and initial or sign the evaluation to indicate that he or she has received and read it. The faculty member may attach any comments he or she wishes.[6] You should give the faculty members you evaluate a standard length of time (such as one week) to review their evaluations before returning them to you signed for inclusion in their personnel file. Only after the evaluation has been initialed or signed by the faculty member, the evaluation, together with any comments submitted by the faculty member, must be filed in the faculty member's personal (*i.e.*, open) personnel file maintained by the Department Chair. If the faculty member submitted a *curriculum vitae* or other summary of his/her work in advance of the evaluation conference, the faculty member should be asked to sign or initial such document for inclusion in his/her personal personnel file, as well.

    - NOTE: Article 19.2(e) of the Contract provides in relevant part: "If the employee refuses to initial any document after having been given an opportunity to read the same, a statement to that effect shall be affixed to the document." In accordance with this provision, if a faculty member refuses or fails to initial or sign an evaluation after having been given an opportunity to do so, the evaluator should write on the evaluation a note to the following effect: "[Faculty member's name] refused [or failed] to initial or sign this evaluation after having been given an opportunity to read it." Then sign and date your written notation on the evaluation, and include the evaluation, bearing your original handwritten notation of the faculty member's failure to initial the document, in his/her personal (*i.e.*, open) personnel file maintained by the Department Chair.

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6 All of these steps may be conducted by email.

- Article 18.3(e) of the Contract addresses a situation in which an evaluation conference is scheduled, but the employee fails to attend without reasonable cause. Article 18.3(e), which applies to both faculty and non-teaching Instructional Staff (including HEOs, CLTs, etc.), provides in full as follows:

> Effective with the start of the 2016-2017 academic year, in the event an evaluation conference is scheduled as provided for in subsections (a) or (b) above, and the employee fails to attend without reasonable cause, the conference shall be rescheduled. The employee shall be notified in writing of the date of the rescheduled conference. If the employee again fails to attend the evaluation conference without reasonable cause, the department chair/designated official may prepare an evaluation in memorandum form for inclusion in the employee's personal file without holding a conference. A copy of the memorandum shall be sent to the employee within 10 working days from the scheduled date of the rescheduled conference by regular mail at his/her address on file and by email to his/her college email address.

B. EVALUATION OF NON-TEACHING INSTRUCTIONAL STAFF MEMBERS

Article 18.3(b) of the Contract applies to annual evaluations of the so-called non-teaching Instructional Staff, which includes College Laboratory Technicians (CLTs); Higher Education Officer (HEO)-series employees; Research Assistants/Associates; and any other non-teaching members of the Instructional Staff. Article 18.3(b) provides in full as follows:

> Members of the non-teaching staff, including Librarians, CLTs, Counselors, Student Personnel Services staff, Registrar series, HEO series and other non-teaching members of the Instructional Staff covered by this Agreement: Preferably once each semester, but at least once each year, each employee shall have an evaluation conference with the chairperson or supervisor to be designated by the appropriate dean or President. At the conference, the employee's total performance and professional progress shall be reviewed. Following this conference, the designated official shall prepare a record of the evaluation discussion in memorandum form for inclusion in the employee's personal file. A copy of the report shall be given to the employee within ten (10) working days following the conference.

As you can see, this provision is parallel and nearly identical to Article 18.3(a), which pertains to faculty.

For non-teaching members of the Instructional Staff assigned to academic departments, including HEOs, CLTs, and Research Assistants/Associates, the Department Chair should conduct the evaluation, or if the employee is supervised by someone other than the Chair, then the Dean may assign that supervisor to conduct the evaluation.

For non-teaching members of the Instructional Staff who work in administrative departments under the overall supervision of a Vice President or other executive (primarily HEOs), the head of that department should assign the supervisor to conduct the evaluation.

Please note that Human Resources distributes a special CUNY-wide evaluation form and instructions that you should use in evaluating HEO-series employees.

For purposes of evaluating CLTs, Research Assistants/Associates, and any other non-teaching Instructional Staff employees, Department Chairs should simply use a memo format and follow the same procedures as set out above for evaluating faculty.

If you have any questions concerning the evaluation process for faculty or non-teaching Instructional Staff, please feel free to contact me.

P.F.O.

cc: President Vincent Boudreau