

(b) P & B Procedures: RESOLVED, That the recommendations contained in the following Personnel and Budget Procedures recommended by the Administrative Council at its meeting of June 5, 1967, be adopted as a statement of Board policy; and be it further

RESOLVED, That the document be brought to the attention of all relevant college officials.

NOTE: The above resolution was adopted with the understanding that if and when a University-wide faculty body is established the procedures may be reviewed by that body.

PERSONNEL AND BUDGET PROCEDURES

RECOMMENDATIONS:

- A. The attached memorandum, dated November 7, 1958, and addressed by Pearl Max and Arthur Kahn to the Administrative Council, be reissued, circulated very widely, and recirculated every year, so that newly appointed administrators and faculty may be made aware of it from time to time. (A similar procedure is followed in relation to the Board's policy with respect to student publications, and it has proved reasonably efficacious.)
- B. The following recommendations in the light of subsequent experiences are intended to lend greater precision to the basic document referred to above. Throughout this document, for the sake of simplicity, reference is made only to a department committee on Personnel and Budget. Each such reference is intended to include department committees on appointment, where such committees exist, under plan #1, Board Bylaws, section 9.1d.
 1. The Examination Procedure. The Departmental and College Committees on Personnel and Budget should have constantly before them the fact that they form essential components of the structure whereby the Board of Higher Education and the City University conform to the civil service provisions of the State Constitution (Article V, Section 6).^{*} Their conduct should reflect at every point a full realization of the official nature of their proceedings, quite distinct from the easy informal interchange of unstructured faculty discussions: Thus:
 - a. Minutes. The minutes of a P & B Committee should conform to the canons set forth by Robert's Rules of Order, Revised: (page 248) "The secretary...should keep a record of what was done and not what was said..." The actions upon motions, and not the discussion which led to such actions, should be recorded, unless the P & B should order, by a majority vote, that the discussions be recorded. It is the duty of the Chairman of the P & B Committee to rule out of order random and irrelevant discussions of the candidate's merits, and to keep the discussions to the consideration of objective and relevant data, insofar as this is practicable. Voting should be by secret ballot. The minutes should be submitted for approval at the next succeeding meeting.
 - b. Uniform Criteria. The processing of recommendations coming before the P & B Committees should make use of established forms, which should be uniform throughout the college, and, if practicable, throughout the university. The Chancellor's office should prepare such forms for the approval of the Administrative Council. (The content of the papers coming before the P & B Committee may exhibit the widest variation which the college deems desirable; it is the form which should be the same throughout.)

* "Appointments and promotions in the civil service of the state and of all of the civil subdivisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive..."

- B. 1. c. Evaluation of Teaching Effectiveness. The evaluation of the teaching done by the candidate for reappointment or promotion is a basic element in the "Unassembled civil service examination" procedure. Here again, we recommend a uniform instrument to be filled out by the evaluators, with basic mandatory elements, to be supplemented where this is desirable.
- For classroom teachers, consideration should be given to such questions as the teacher's control of the subject matter and the distinctive methods of the discipline, ability to communicate with students and colleagues, effectiveness in stimulating thought, ability to foster active participation in the learning process on the part of students, ability to awaken a conscious sense of a learning experience. It is often true that, in the evaluation of traits such as these, a teaching observation is a desirable instrument, particularly when less experienced teachers are being judged. But it should be recognized that such observations often provide an inadequate base for judging a teacher and that other means of evaluating teaching effectiveness are available and should be used. For senior professors, the record of their students in subsequent courses, and the testimony of graduates are often valuable. An appraisal of materials, including examinations, prepared for a course can be informative. Contacts with a professor outside the classroom make significant contributions to a valid judgment. An evaluation form should be prepared which encourages consideration of the full range of relevant elements. When teaching observation reports are used, their major findings should be communicated (by the department chairman) to the teacher who has been observed mainly to the end that the teacher may know what the criticisms of his teaching are and strive to correct them. It should be understood that statements made by others than the chairman have no standing, and such statements should be uniformly avoided. The consideration of teaching effectiveness should in every case form part of the committee deliberations. This is not to imply any fixed number of evaluations in any period of time, but the Chancellor should prepare for the approval of the Administrative Council, a minimum schedule of such evaluations. For members of the instructional staff, such as librarians and counsellors, who are not engaged in classroom teaching, similar evaluation forms should be developed to encourage specific consideration of relevant elements, and a minimum schedule of formal evaluations should be agreed upon. In these cases, too, the supervisor should communicate the evaluator's findings to the staff member involved. A consideration of the effectiveness of the staff member should in every case form part of the P & B committee's deliberations on the member's reappointment or promotion.
- d. Reports of Scholarly and Creative Achievements. Up-to-date reports of each candidate's scholarly and creative achievements, with particular emphasis upon the period following the last major personnel action in his regard, should form part of his personnel record.
- e. Reports of Service to the College Community. Up-to-date reports of each candidate's service to the college community, with particular emphasis on the period following the last major personnel action in his regard, should form part of his personnel record.

8. 1. f. Appeals. The action of a departmental P & B committee in re to make an affirmative recommendation, unless appealed from, candidate considering himself aggrieved is final and conclusi far as faculty action is concerned, and may not be acted upon any faculty body higher in the chain of promotion procedure (the divisional or college P & B). Notwithstanding this provi the president is free to make his own recommendation in accor with the pertinent bylaws of the Board.

*2. No Presumptions. At every step in the appointment and reappointment procedure, it should be made clear to the candidate and to all conc that, until the candidate gains tenure under the provisions of the and the bylaws of the Board, each appointment is for one year, there no presumption of reappointment, and no reasons for non-reappointment need be given. This fact should be communicated, in academic rather in legalistic language, in the original and subsequent letters of ap ment or reappointment, and in all conversations held with the candid both by department members and chairman, and by officers of the coll outside the department. The temptation to attract promising candida to the college by implications of the virtual certainty of a permaner position must be sternly resisted, unless and until the tenure law is revised to provide, as many universities do, for permissive initial t appointments at certain ranks. In this connection, it should be made clear that even the extant provision whereby a person initially appoi to a professorial (full, associate, assistant) rank may be granted ter after one year is permissive, not mandatory; such tenure actions, like all others, rest solely upon the affirmative action of the Board, and are not accomplished by the recommendations of officers below the Boar. The recommendation that no reasons should ever be given for the action of a committee in voting not to recommend reappointment or promotion of a candidate is a recommendation which was arrived at after a rather careful consideration of the pros and cons.

On the side of giving reasons, the most potent argument arises from a sense of fair play: if a person has tried his best to make good in a position, it seems in accord with our American traditions that he should be told wherein he failed and be given an opportunity to rebut, explain or otherwise appeal. Furthermore, the need to support a non-reappointment by the citation of definite reasons might be conceived of as a barrier to the forces of malice and prejudice, whether personal or ethnic. On the other side, the necessity to give reasons for non-reappointment, with the consequent receipt of rebuttals, explanations and submission of contrary expert opinion, places the college and its P & B committees in the position of defendant rather than of judge. College officials would soon find their time, energies and talents dissipated in disputes. Academic excellence could not thrive in that atmosphere and a premium would be placed on peaceful mediocrity. Often the reasons have nothing to do with the candidate himself (he may indeed be satisfactory), but rather with the possibility that better candidates, with wider backgrounds, more versatility, or specialties which are more likely to be of use to the department in the years to come, may be available, and the department does not desire to foreclose the opportunity to attract such candidates.

* Exceptions to this paragraph may be made for persons of proven record who have achieved tenure at another recognized institution of higher education and whose first appointment with The City University of New York is to be as full professor.

- B. 2. More importantly, any requirement that reasons be given for non-appointment would have the effect of instituting a type of presumptive tenure inimical to the conduct of the colleges as institutions of higher learning. It is sufficient that reasons or cause must be proven to terminate the services of a tenured person. If it is not too paternalistic in tone, still another argument against the giving of reasons for non-reappointment may be urged: it is really not in the best interest of the candidate himself, for it makes a matter of record a negative evaluation which may come back to plague him later.
- On balance, we have decided to recommend against ever assigning reasons for non-reappointment or non-promotion. We likewise believe that it would be professional misconduct for a member of a P & B committee to disclose the substance or even the nature of the discussion at the P & B meeting. As far as the actions of a Department and/or its committees in respect to a candidate are concerned, only the Chairman of the Department should be empowered to discuss these actions with a candidate. As far as the actions of the college P & B committee, with respect to a candidate are concerned, only the president of the college or his designee should be empowered to discuss these actions with a candidate.
3. Confidentiality. The confidentiality of reports, including evaluation reports, on the qualifications of candidates for appointments, reappointments, and promotions should be preserved, and to that end these reports should be kept in a confidential file and should not be part of the candidate's personnel folder.
- This recommendation has been arrived at after careful weighing of the affirmative and negative considerations involved. On the side of making these reports available to the candidates, we considered the analog to the right of a person accused to know the nature of the accusations against him, and to confront and cross-examine his accusers. On the other side, we recognize as a countervailing, and indeed a prevailing force, the need which our committee members have, in fulfilling their constitutional obligations as a virtual civil service board of examiners presiding over an unassembled examination, to have at their disposal the professional judgment of those competent to assess the scholarly and instructional qualifications of the candidate. There is little likelihood that leaders in the world of scholarship and college teaching will give us the benefit of their candid opinion of colleagues in their fields if they cannot be assured of confidentiality; indeed, if their expressions of opinion are elicited by a promise of confidentiality, as in practice they must be to secure a really frank expression of judgment, it would be a breach of faith to violate such an undertaking of confidentiality.
4. Inspection of Personnel Folder. Apart from confidential reports, including evaluation reports, considered in the preceding paragraph, the personnel folder of any candidate should be open to his inspection, and to that of persons engaged in official business of the college or department, but not to that of others.
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