



**FACULTY PERSONNEL COMMITTEE
AGENDA**

Friday, September 16, 2016
Room 630T Haaren Hall
9:30 am-1:00 pm

Closed Business 9:30 am

FPC REVIEW COMMITTEE A 9:30 am – 9:45 am

- I. Fellowship Leave**
Vote (slate vote by disciplinary review committee)

FULL FPC COMMITTEE 10:00 am – 1:00 pm

- I. Welcome**
Introduction of New Members
- II. Initial Appointments**
Vote (slate)
- III. Fellowship Leave**
Vote (votes on slates put forward by review committee)

Meeting Open to the Public 11:00 am – 1:00 pm

- I. Discussion of Appeals Process**
- II. Faculty Personnel Process Analysis of Outcomes**
- III. New Business**

Fall 16 FPC Meetings

Full FPC **Friday, December 9, 2016**
FPC Review Committees **Friday, October 14, 2016 (1st meeting)**

Notes:

Appeals Process for Faculty Personnel Actions, effective Fall 2015

II.E. Appeals Process

II.E.1. All candidates for reappointment, tenure, certificate of continuous employment and/or promotion who receive a negative action from the review committee have the right to appeal to the FPC.

II.E.2. Any candidate wishing to appeal a negative decision of the review committee shall notify the Provost of his or her intention to appeal within 14 calendar days of receipt of the Provost's written notice of the negative action.

II.E.3. Within 14 days following notice of the intention to appeal, the candidate may submit a written statement in support of his or her appeal. The written statement shall be restricted to information contained within the File, but may include any updates to the status of scholarly contributions referenced in the File with supporting documentation. **For example, a candidate could offer evidence that a paper already referenced in the File had been accepted for publication, but could not include a newly published paper that was not referenced in the File as in progress.**

II.E.4. The appeal shall be considered by the entire membership of the FPC with the exceptions noted below in II.E.5 and II.E.6. The appeal shall be chaired by the President or, in his or her absence, the Provost.

II.E.5. The chairperson of the appealing candidate's department and the candidate shall each individually appear before the committee to answer questions.

II.E.6. The chairperson of a candidate's department will neither make a presentation to the committee, nor be present for discussion of the candidate, nor be eligible to vote on the appeal. A candidate's chairperson will be asked to leave the room during the discussion of his or her department's candidate, and shall not vote on the candidate. In the case of candidates with dual departmental affiliations, this will apply to both chairpersons. Any FPC member who is affiliated with the same department as the candidate will be asked to leave the room during the discussion of the candidate, and he or she will not vote on the candidate. This includes:

- The candidate's department chairperson
- All members of the candidate's Departmental Personnel and Budget Committee (inclusive of externally appointed members).
- Any at-large and alternate members who are affiliated with the candidate's department.

II.E.7. The members of the review committee that decided a candidate's action shall not participate in the appeal, except for a presentation by the Primary Reporter, as provided in II.E.8 below. These members shall be replaced by an equivalent number of members of the Appeals Panel selected by the President. Appeals Panel shall be comprised of twelve faculty members who are not current members of the FPC. The Appeals Panel members shall be elected by the faculty to staggered three-year terms. (One-third of the panel shall be up for re-election each

Appeals Process for Faculty Personnel Actions, effective Fall 2015

year.) Appeal Panel members selected for a given appeal will not include those from the appealing candidate's department.

II.E.8. The Provost shall appoint a Primary Reporter and Secondary Reporter from among the FPC and Appeals Panel members participating in the appeal. The Primary and Secondary Reporter will present independent evaluations of the candidate to the FPC at the outset of the consideration of an appeal. These presentations shall be based solely on the File and without consultation or discussion with anyone else on or off the committee. Neither the Primary Reporter nor Secondary Reporter shall come from the candidate's department. Everyone on the FPC is required to read the entire File of the appellant.

II.E.9. Following the presentations by the Primary and Secondary Reporters, the Primary Reporter from the Review Committee shall be invited to appear before the FPC and summarize the Review Committee's deliberations on the appellant's case. This summary shall include both the majority and minority views from the Review Committee. After this presentation, the Primary Reporter from the Review Committee shall be excused and will not participate further in the appeal.

II.E.10. The candidate shall be available during the time of the appeal and may be invited to answer questions or clarify points that will be helpful to the committee. The President shall not allow a question that invites the candidate to make a general presentation or that would lead to the admission of information not contained within the File.

II.E.11. The decision of the FPC on a candidate's appeal is advisory to the President.

II.E.12. The Provost will notify the candidate of the result of the appeal and inform the candidate that the result is advisory to the President and is not the final decision regarding their personnel action.

II.E.13. All candidates shall have a further right of direct appeal to the President, in accordance with CUNY Bylaws. At John Jay this direct appeal takes a written form.

II.E.14. Ultimately, the recommendations of the FPC for reappointment, tenure, certification, and promotion are approved or disapproved by the President, who decides which candidates to forward to the CUNY Board of Trustees for approval. The final decision is that of the Board of Trustees.

**Faculty Personnel Process
Analysis of Outcomes
Eight Year Look-Back**

Year	Negative Outcomes as a Percentage of Total Cases prior to Appeal	Appeals as a Percentage of Negative Outcomes	Types of Actions Represented in Negative Outcomes and Appeals (those who chose to appeal)	Successful Appeals as a Percentage of All Appeals	*Overall Negative Outcomes of All Cases - Post Appeal
2008-2009	3/129 =2.3%	3/3=100%	<u>Appealed:</u> 1 Promotion 1 Reappointment 1 Tenure	2/3=66%	1/129 = 0.8%
2009-2010	5/142=3.5%	5/5=100%	<u>Appealed:</u> 1 CCE 3 Promotions 1 Tenure	4/5=80%	1/142 = 0.7%
2010-2011	8/162=4.9%	7/8=88%	<u>Appealed:</u> 1 CCE 1 Promotion 4 Reappointments 1 Tenure <u>Not appealed:</u> 1 Promotion	5/7=71% 1 Negative Outcome Overturned by President	2/162 = 1.2%
2011-2012	17/166=10.24%	12/17=71%	<u>Appealed:</u> 2 CCE 4 Promotions 6 Reappointments <u>Not appealed:</u> 2 Promotions 1 Reappointment 2 Tenure (early)	11/12=92%	1/166 = 0.6%
2012-2013	10/167=5.99%	8/10=80%	<u>Appealed:</u> 2 Promotion 5 Reappointments 1 Tenure <u>Not appealed:</u> 1 Reappointment 1 Tenure (early)	6/8=75% 1 Positive Rec. Overturned: Non-reappointment by President	2/167 = 1.2%
2013-2014	12/245=4.9%	8/12= 66.7%	<u>Appealed:</u> 1 CCE 5 Promotions 1 Reappointment 1 Tenure <u>Not appealed:</u> 2 Promotions 1 Reappointment 1 Tenure (early)	5/8= 62.5%	3/245 = 1.2%

2014 -2015	6/198 = 3.03%	5/6 = 83.3%	<u>Appealed:</u> 2 Promotions 1 Reappointment 2 Tenure <u>Not Appealed:</u> 1 Promotion	3/5 = 60%	2/198 = 1%
2015-2016	9/152 = 5.9%	8/9 = 88.9%	<u>Appealed:</u> 3 Promotions 2 Reappointments 3 Tenure <u>Not Appealed:</u> 1 Distinguished Professor (President recommends promotion and forwards case to CUNY, thereby reversing negative recommendation)	4/8 = 50% 2 negative outcomes were 2 cases of tenure and promotion, where tenure was granted but promotion was denied.	4/152 = 2.6%

Analysis

1. The vast majority of faculty members who apply for tenure or promotion in any given year are successful in their initial application. In the past seven years, the rate of unsuccessful outcomes only once reached double digits (10.24% in 2011).
2. From 2008 to 2015, the rate of unsuccessful outcomes has risen by a couple of percentage points, but has not increased steadily over the seven years. Three of the seven years saw a decline from the previous year.
3. The vast majority (from 71% to 100%) of candidates appeal their negative outcomes.
4. The vast majority of appeals are successful, ranging from a 50% to a 92% rate of success. The rate of successful appeals rose from 2008 to 2011. The rate of successful appeals declined from 2011 to 2015 but appeals still averaged a 69.6% success rate from 2008 to 2015.
5. The vast majority of annual personnel actions have positive outcomes, including successful appeals. In the final analysis, the annual failure rate for tenure and promotion at John Jay College is in the very low single digits. With one exception (2015 at 2.6%) the final negative outcomes as a percentage of all personnel actions initiated in a given year has been at around 1% or lower. On average, 1.2% of personnel actions had negative outcomes from 2008 to 2015.