

**Collective Bargaining Agreement  
between Fashion Institute of Technology  
SUNY and United College Employees of  
Fashion Institute of Technology**

**June 1, 2005 – May 31, 2008**



# **Collective Bargaining Agreement between Fashion Institute of Technology SUNY and United College Employees of Fashion Institute of Technology**

**June 1, 2005 – May 31, 2008**

## **17.0 REAPPOINTMENT, TENURE & JOB SECURITY: FACULTY AND CLASSROOM ASSISTANTS**

**17.1** The use of the word "evaluation" in this Section shall refer to an evaluation of the individual's total performance and contribution to the College. For classroom faculty, evaluation shall always include classroom observations as one method of evaluating the individual's performance. For faculty and classroom assistants evaluations shall always include peer and student classroom evaluations or equivalent peer observations where classroom observations are not applicable as one method of evaluating the individual's performance. A written summary of criteria used for evaluation of faculty and classroom assistants will be developed and distributed at the time of initial appointment.

**17.2** It shall be the responsibility of the Department Chair or Director to arrange for all new faculty members and classroom assistants to be evaluated and a report of the evaluations made to the Department before the end of the third month of service. The Department Chair or Director shall arrange that observation assignments be balanced among all tenured members of the Department, and that no faculty member shall be observed by the same person more than once in one (1) semester. Only one observer may be present at any one time. Notice of at least one (1) week shall be given to the person being observed. Evaluations in newly-created Departments shall be done by a Departmental Tenure and Promotion Committee as provided for at Section 24.3.5.

**17.2.1** A faculty member who is assigned and conducts a classroom observation of an evening and/or weekend course shall be compensated at one-half (1/2) his/her hourly teaching rate. No more than two (2) observations per semester shall be required of any faculty member during evening and/or weekend hours without the consent of the faculty member.

An observation shall be deemed to require two (2) hours work. To be paid, the faculty member must spend a minimum of fifty (50) minutes in the classroom engaged in the observation.

**17.3** Full-time non-tenured faculty and classroom assistants shall be observed at least twice per semester in their first year of service and at least once per semester thereafter, and at least twice per semester if in the second semester the vote was approved with reservations. During the first eighteen (18) months qualified members of the Department (excluding the candidate) shall vote for one of the following options to recommend:

- (a) Reappointment with unqualified approval (requires two-third (2/3) majority vote);
- (b) Reappointment with reservations (requires simple majority vote);
- (c) Non-reappointment (requires simple majority vote).

During the second eighteen (18) months each qualified voter in the Department shall have only one (1) of the following two (2) options to recommend:

- (a) reappointment; or
- (b) non-reappointment.

A simple majority vote shall be sufficient to constitute a recommendation of appointment or non-reappointment.

**17.3.1** A third observation will be required if two (2) peer observations are conflicting (done in the same semester) or peer observations and student evaluations are conflicting (done the following semester). The third observation will be done by either a faculty member or Chair.

**17.4** All Department votes and supporting material regarding reappointment shall be forwarded by the Departmental Tenure and Promotion Committee with the appropriate Dean's recommendation to the College-wide Tenure and Promotion Committee. The College-wide Tenure and Promotion Committee shall review only those votes for reappointment with reservations or for non-reappointment for the third, fourth and fifth semesters.

**17.5** Approval with reservations and recommendations for non-reappointment shall be accompanied by a written statement by the Department Tenure and Promotion Committee to the College-wide Tenure and Promotion Committee with a copy to the candidate, the Vice President for Academic Affairs, and to the President of the College.

**17.6** If the Department votes for non-reappointment during the Fall semester, the candidate shall be notified on or before December 1st; if the Department votes for non-reappointment at the end of the Spring semester, the candidate shall be notified on or before May 1st. All reappointed non-tenured and non-certified faculty members and classroom assistants shall be reevaluated every semester before May 1st (or December 1st) and the resulting recommendations reported to the College-wide Tenure and Promotion Committee.

**17.6.1** If the Dean or Vice President recommends non-reappointment, the employee shall be notified on or before December 15th for the Fall semester and on or before May 15th for the Spring semester.

If the President's decision is non-reappointment, the employee shall be notified on or before December 15th for the Fall semester and on or before May 15th for the Spring semester.

**17.7** Anyone who has satisfied the requirements for tenure (unless these requirements are waived by the President), has completed three (3) consecutive years of full-time service and is reappointed on a full-time basis for a fourth year, receives tenure.

**17.8** Anyone who has completed three (3) consecutive years of service and has been denied tenure cannot be employed on a part-time basis unless (s)he is already certified. Time spent in non-tenure bearing positions shall not accrue towards tenure.

**17.9** It shall be the responsibility of the School Dean to ascertain and assure that the Department and Departmental Tenure and Promotion Committees perform the responsibilities assigned above within the time limits. The Faculty Services Office shall prepare a list of those in their first, second, and third years of employment and shall forward that list to both the Chair of the College-wide Tenure and Promotion Committee and to the Chair of the applicable Departmental Tenure and Promotion Committees.

**17.10** Before granting credit for prior service towards tenure, the President of the College shall have available for his review an evaluation by the Department, the School Dean, the Vice President of Academic Affairs and the College-wide Tenure and Promotion Committee of the individual's prior service in an accredited institution and/or his/her industrial experience. The foregoing also applies to staff members and classroom assistants transferring to faculty status.

**17.11** If tenure is not recommended by the College-wide Tenure and Promotion Committee and the President chooses to recommend tenure, (s)he shall meet with College-wide Tenure and Promotion Committee and Vice President of Academic Affairs and state his/her reason(s).

**17.12** Beginning the Fall 2007 semester, for the purposes of reappointment, tenure and certificates of continuous employment, the candidate's records to be presented at the department meeting will be made available by the Tenure and Promotion Committee to interested department members at least two weeks (14 calendar days) prior to the vote. Any objections to the records must be made to the department Tenure and Promotion Committee prior to the meeting. The parties to the contract agree to the process for the conduct of such meetings. The department vote will not be subject to the grievance and arbitration procedures. The only grievance that may be filed is one alleging that the process as defined below has not been followed.

The T&P committee will prepare its report on the candidate to distribute to the department two weeks (fourteen (14) calendar days) before the vote. Any objections to the report must be made prior to the date of the vote. The objection must be resolved before the date of the vote. No objections may be filed at the meeting.

#### Department Meeting Process

1. An announcement must be distributed two weeks prior to a department meeting stating the purpose of the meeting. If there is a vote scheduled, the candidate must be invited.
2. Discussion takes place as follows:
  - a. T&P Committee reads evaluations and candidate information in the presence of candidate (if in attendance). Faculty may question candidate at this time.
  - b. Candidate may comment or clarify any questions that may arise.
  - c. Candidate leaves the meeting room.
  - d. Discussion takes place.
  - e. Candidate returns and answers any additional questions.
3. Voting
  - a. Prepared ballot should be distributed to eligible voters (the candidate may not vote)
  - b. A secret ballot is conducted.
  - c. The ballots are counted in the presence of the candidate.
  - d. Result of the vote is announced and recorded.
  - e. The T&P chair shall retain the original ballots for a period not to exceed one semester

### **24.0 PROMOTION: FACULTY**

#### **24.1 Automatic Promotion**

- 24.1.1** Full-time Faculty: For all full-time members of the faculty there shall be automatic promotion from the rank of Instructor to the first step of the Assistant Professor rank, in the following manner:
- 24.1.2** Individuals whose initial appointment was made at the first step of the Instructor rank shall be promoted to Assistant Professor after completing three (3) years' service as an Instructor.
- 24.1.3** Individuals whose initial appointment was made at the second step of the Instructor rank shall be promoted to Assistant Professor after completing two (2) years' service as an Instructor.

**24.1.4** Individuals whose initial appointment was made at the third step of the Instructor rank shall be promoted to Assistant Professor after completing one (1) year's service as an Instructor.

**24.1.5** Part-time Faculty: For all part-time members of the faculty, there shall be automatic promotion from the rank of Adjunct Instructor to the rank of Adjunct Assistant Professor, upon completion of hours equivalent to three (3) years of full-time service.

## **24.2** Merit Promotion

**24.2.1** In addition to the above, merit promotions may be made between ranks.

**24.2.2** A person may not be considered for a merit promotion for the entire period (s)he is elected to serve on the College-wide Tenure and Promotion Committee. This provision applies to each term of office (s)he is elected to serve on this committee.

**24.2.3** Merit promotions for both full-time and part-time faculty shall be made in accordance with the following procedure.

**24.2.4** For this Section, a Department is defined as any grouping of faculty members working under a Chair, Associate Chair, Director, or an appointed Administrative Officer.

**24.2.5** Those faculty members who have been at the top step of their salary schedule for a minimum of four (4) years shall constitute a separate pool of candidates for promotion from which the President may make promotions after the faculty member has completed the procedures set forth in 24.3.

## **24.3** Department Tenure and Promotion Committee

**24.3.1** A Department Tenure and Promotion Committee shall consist of the Chair or Director of the Department and two (2) tenured members of the Department elected by qualified members to serve three (3) year terms. The Committee shall elect one of its own members as Committee Chair excluding the Chair or Director.

Any member of the Department who is a candidate for promotion shall not be eligible to serve on the Departmental Tenure and Promotion Committee for the academic year during which (s)he applies for promotion.

**24.3.2** Whenever this Departmental Tenure and Promotion Committee meets concerning the granting of a Certificate of Continuous Employment or Merit Promotion for part-time faculty it shall be augmented by active part-time faculty, elected by the Department for three-year terms, as follows:

**24.3.3** When the Department has one (1) part-time member, no additions; when the Department has two (2) part-time members, the other shall serve; when the Department has three (3) or more part-time members, two (2) shall be elected to serve. Any Department consisting only of part-time faculty shall have a Departmental Tenure and Promotion Committee consisting of the Department Chair and two (2) part-time members of the Department elected by qualified members to serve a three (3) year term. The Committee shall elect one of its own members as Committee Chair.

**24.3.4** In a Department of five (5) full-time members, the entire Department shall constitute the Tenure and Promotion Committee. If a Department has four (4) or fewer full-time members,

it shall elect additional members drawn from the day CCE part-time classroom faculty within the Department to bring the size of its Tenure and Promotion Committee to five (5) members. If there are an insufficient number of CCE day part-timers, the Department shall elect additional members drawn from the division. The additional members shall serve for one (1) year.

**24.3.5** However, in a newly-created Department, the above procedure becomes operative only if there are three (3) full-time members of the Department, two (2) of whom are tenured. If the procedure is inoperative in a newly-created Department, a committee of three (3) individuals, appointed by the School Dean from among the Chairs, Associate Chairs, and Assistant Chairs of the Division, shall function as the Departmental Tenure and Promotion Committee.

**24.3.6** For purposes of considering reappointment, tenure and promotion, the Fashion Design Department shall have two (2) separate Tenure and Promotion Committees, one (1) from the Apparel Area and one (1) from the Art Area. Each Tenure and Promotion Committee shall consist of the Department Chair, the Area Assistant Chair and two (2) other tenured members elected by the Area.

There shall be a separate vote within each Area and the Department Chair shall not serve as Chair of either Committee.

**24.3.7** Any member of a Department shall have the right to recommend any member of the Department, including him/herself, to be considered by the Departmental Tenure and Promotion Committee.

**24.3.8** The Department Tenure and Promotion Committee shall then collect and report to all members of the Department the necessary information about the candidate for merit promotion.

The Departmental Tenure and Promotion Committee reports to the Department in the presence of the candidate. If the report includes negative points, the candidate shall have the opportunity for rebuttal. After opportunity for rebuttal, the candidate shall leave. After Department discussion, the candidate shall return and have the opportunity to answer questions and to make a statement on his/her own behalf. At this time, a written secret ballot cast by qualified voters (excluding the candidate) shall be taken and counted immediately in the presence of the candidate and the Department, the count to be made by all members of the Department Tenure and Promotion Committee present. Candidates receiving a majority vote of approval shall be recommended by the Department to the College-wide Tenure and Promotion Committee along with the recommendation of the School Dean. Written justification of a Departmental vote of disapproval shall be offered to the candidate if requested. At any point in the proceedings, a candidate may have forty-eight (48) hours to prepare a rebuttal in his/her own behalf if (s)he so desires.

**24.3.9** A faculty member denied a recommendation by the Department may appeal to the School Dean to consider the candidate's credentials. If the School Dean regards them favorably, (s)he shall forward the candidate's forms to the College-wide Tenure and Promotion Committee.

**24.3.10** The College-wide Tenure and Promotion Committee shall vote to recommend or not recommend candidates for promotion. A ranked list of all the candidates for promotion, in order of priority, shall be forwarded to the President.

**24.3.11** If the action of the President is to grant promotion to non-recommended candidates, or in other than the recommended order of priority, (s)he shall meet with the College-wide Tenure and Promotion Committee and state the reasons for his/her actions.

**24.3.12** After a candidate has once been approved by majority vote of his/her Department and recommended to the College-wide Tenure and Promotion Committee for consideration for promotion, the candidate shall be automatically recommended for promotion by his/her Department in the following two (2) years unless the Department reverses its recommendation in the following two (2) years by a two-thirds (2/3) vote. Any candidate, or the Department Tenure & Promotion Committee, or the College-wide Tenure and Promotion Committee has the option of requiring that new student evaluations be submitted. In addition, any candidate who wishes to be reconsidered by his/her Department before having his/her application automatically reapproved, may request the Department to reconsider and re-vote on his/her recommendation for promotion.