

ARTICLE 5
PERSONNEL REVIEW ACTION PROCEDURE

The following provisions shall be incorporated into each campus's local procedures:

- A.** Local campus procedures shall provide for the selection of members of a review committee to advise the designated University official on the merit increases, promotions, and career status actions for members of the Librarian Series in this bargaining unit. Appointees holding titles in the series shall comprise the majority of this committee.
- B.** The performance of each appointee shall be reviewed periodically and the review shall include participation by a review committee. A standard review is one that takes place every two (2) years at the Assistant and Associate rank and every three (3) years at the Librarian rank. Service at the top of the Associate Librarian or Librarian rank may be of indefinite duration, therefore, an abbreviated review may be conducted every two (2) years for Associate or three (3) years for Librarian.
- C.** All members of the librarian bargaining unit shall be informed in writing, on a yearly basis, of their eligibility for review. A member of the bargaining unit who is not typically eligible for a review during a particular review cycle may request an off-cycle review during that cycle.

The University may also initiate an off-cycle review. The decision to conduct an off-cycle review is at the sole discretion of management and shall not be subject to the grievance and arbitration procedure of the MOU.

- D.** The CALL for merit increases, promotions, reviews, and career status actions and the calendar of action due dates for the review process shall be issued and distributed each year to every member of the librarian series. The calendar shall establish deadlines that are designed to ensure that all reviews will be completed and salary actions can be processed to take effect at the start of the next fiscal year. The calendar shall be adhered to by all parties. Deadlines may be extended upon the mutual agreement of the parties.
- E.** There shall be one (1) designated review initiator for a candidate, who shall make a recommendation for a personnel action, which will be included in the review file. Comments prepared by persons at higher levels of supervision (e.g., department heads, section heads, Assistant/Associate University Librarians) may be included in the academic review file. The candidate shall receive and have the opportunity to respond to all such evaluative comments in accordance with local procedures.
- F.** The candidate shall be given the opportunity to ask questions and to supply information and evidence to be evaluated in the review according to the calendar established in the CALL.
- G.** The University may solicit letters evaluating the candidate from qualified persons, including a reasonable number of persons whose names have been provided by the candidate. The

decision from whom to solicit letters shall not be subject to grievance and arbitration.

1. The candidate may provide in writing to the review initiator or other appropriate person, names of persons who in the view of the candidate, for reasons provided by the candidate, might not objectively evaluate in a letter or on a committee, the candidate's qualifications or performance. Any such statement provided by the candidate shall be included in the academic review file. The University decision regarding the requested disqualification shall not be subject to grievance and arbitration.
 2. In soliciting letters of evaluation or following the receipt of an unsolicited letter related to the review, the University may send a statement regarding confidentiality of such letters.
 3. All such letters used in the review, even if unsolicited, shall be included in the academic review file.
 4. Redacted copies of solicited letters shall be provided to the candidate upon receipt in accordance with local procedures.
 5. Unsolicited letters related to the review will be subject to redaction, if received by the University with the understanding that the identity of the author will be held in confidence to the extent permissible by law. Redacted copies of such letters will be provided to the candidate in accordance with local procedures.
- H.** An academic review file shall be prepared for each candidate who is being considered for a merit increase, promotion, or career status action. The review initiator is responsible for preparing the candidate's academic review file, which consists of the review initiator's recommendation together with pertinent additional letters, if any, including those letters solicited from individuals, as provided for above, and required documents.

The review initiator's recommendation, without disclosing the identities of sources of confidential documents, shall discuss the proposed personnel action in light of the criteria and substantiated by supporting evidence contained in the file. The recommendation shall provide a comprehensive assessment of the candidate's performance, together with detailed evidence to support the evaluation. The recommendation may also present a report of consultation with appropriate members of the professional library staff and others in a position to evaluate performance and may include any dissenting opinions.

The review initiator's final recommendation shall be provided to the candidate, along with all documents to be included in the academic review file. The candidate must be allowed seven (7) consecutive calendar days, to review and respond to the file. By mutual agreement of the parties, this period of time may be extended. The candidate may submit for inclusion in the record a written statement in response to or commenting upon material in the file.

- I.** Upon completion of the procedures described above, a Certification Statement shall be

signed by the candidate certifying that the prescribed procedures have been followed. A Documentation Checklist listing the contents of the academic review file shall also be signed by the candidate. The Certification Statement and the Documentation Checklist shall be included in the academic review file.

- J.** Decisions and recommendations of the review committee(s) shall be based solely upon material within the academic review file.
- K.** If during subsequent review the academic review file is found to be incomplete or inadequate, additional information may be solicited through the designated University official, who will inform the candidate that such new material is being added to the review file. The candidate shall have access to all non-confidential material added to the file. A redacted copy of the confidential documents shall be provided to the candidate. The candidate shall also be provided the opportunity to submit a written statement in response to the additions to the review file, which shall become part of the file. The review shall then be based upon the academic review file as augmented.
- L.** No documentation other than the recommendation(s) of the review committee(s) may be added to the academic review file without annotation of the Certification Statement and the Documentation Checklist.
- M.** The academic review file shall be referred to a review committee. On the basis of all evidence in the academic review file, including the report from an ad hoc review committee, if any, the review committee will submit a comprehensive report and recommendation for action to the designated University official.

 - 1. In conducting its review and arriving at its recommendation concerning a candidate, each review committee shall be guided by the criteria in Article 4.
 - 2. The report of the review committee(s) shall be submitted to the University's deciding officer(s).
 - 3. The deliberations and recommendations of the review committees are to be strictly confidential.
 - 4. A person shall decline participation in the review committee if the person questions their own ability to make a fair and objective judgment in a particular case or in the case of a possible conflict of interest.
- N.** In cases of promotion, conferral of career status, or termination, if the preliminary assessment of the University's deciding officer is contrary to the recommendations of the review committee, the University's deciding officer shall notify the committee with respect to the assessment. The review committee shall be given the opportunity for further comment before the final decision is made.

- O.** If the University's deciding officer's preliminary assessment is to terminate appointment or not to confer career status, the candidate shall be notified of the opportunity to request access to records in the academic review file, subject to Article 6, Personnel Files. The candidate and review initiator shall then have the opportunity to respond in writing and to provide additional information and documentation.
- P.** The designated University official shall inform the candidate in writing of the final administrative decision including the reasons for the decision. The candidate shall receive a copy of the review committee and any redacted ad hoc committee reports. Such a statement shall not disclose the identities of persons who were sources of confidential documents.
- Q.** Only allegations of procedural violations of this Article are subject to the grievance and arbitration provisions of this Agreement. An arbitrator shall have the authority to determine whether the University has violated a procedure set forth herein. In any grievance alleging a violation of this Article, the arbitrator shall not have the authority to review any decision on the personnel review actions as enumerated in Article 4.E.1.

If the arbitrator finds that the alleged violation had a material, negative impact on the outcome of the review, the arbitrator's remedy shall be limited to directing the University to repeat, to the extent practicable, the review process from the point at which the violation occurred.

- R.** Local procedures shall be consistent with the language of this contract.