

The Development and Approval of Bylaw is at the stage of CBA 9.2.(e), having completed Faculty Proposal and Dean's Review. **CBA 9.2.(e)**:

(e) Reconsideration, if Necessary. The faculty shall consider the dean's written objections and, within thirty (30) days after receiving the dean's objections, shall resubmit the bylaws to the dean, incorporating all, some, or none of the objections, along with a justification for the resubmitted language, which shall be written by a faculty member from the unit selected by the faculty members in the unit.

(1) If the faculty do not resubmit proposed bylaws within thirty (30) days after receiving the dean's objections, the bylaws shall be adopted as modified consistent with the dean's objections.

(2) If the dean approves the reconsidered bylaws or does not respond within thirty (30) days after the dean's receipt of them, the bylaws shall be adopted as resubmitted.

(3) If the dean does not approve the reconsidered bylaws and the proposed changes impact the items specifically referenced in 9.1.b, the dean within thirty (30) days shall make final revisions to the reconsidered bylaws. The revisions may only change those portions of the reconsidered bylaws that are unreasonable or unworkable. The reconsidered bylaws shall be adopted as modified by the dean's final revisions.

Note in 9.2(e)(3):

the Dean can *only make revisions* to sections that impact CBA 9.1.(b) (the "merit bylaws"). Amendments 1,2,4,5,6 do not impact the merit bylaws. Therefore the Faculty's determination is final.

Amendment 3 impacts **CBA 9.1.(b)**:

(b) The University and the UFF have agreed by the express terms of this Agreement to delegate to the faculty of appropriate units, in specific instances and within specified parameters, the development of discipline-specific clarifications of University criteria for tenure, promotion, merit salary increases, market equity salary increases, and performance evaluations.

Amendment 3: Add to the Bylaws Governing Criteria and Procedures use for Evaluations of Faculty at the end of first section – Introduction: Overall Evaluation Principles.

Current Bylaw Text: None

Proposed Modification: Any materials to be used in the evaluation process submitted by persons other than the faculty member being evaluated shall be shown to the faculty member, who may attach a written response. If a statistical analysis of the performance of an individual faculty member is constructed for the basis of any evaluation process (including but not limited to annual performance evaluation, merit raise decision, market equity raise, or tenure and promotion decision), then any and all raw performance data of that individual that forms the basis of the statistical analysis shall be made available to the faculty member.

Explicit exceptions to this rule are (a) teaching evaluations (individual responses are to be made available, but names of students are to be redacted), (b) letters of evaluation for tenure and promotion (if the faculty member has waived the right to view them), and (c) breakdown of a group vote into votes by individuals.

The faculty member shall have the right to make an corrections to factual errors in the raw data so provided, and the statistical analysis shall be updated accordingly. Furthermore, all formulas and algorithms used to construct the statistical analysis form the raw data must be approved in advance by the CISE faculty, and must explicitly appear in these bylaws.

Any such formulas or algorithms must be applied uniformly to all faculty members within a given established category (where a category may be tenure-track, non-tenure track, lecturer, research scientist, or assistant/associate/full, or any other similar category, as appropriate to the purposes of the evaluation process under consideration).

Response: I oppose this amendment. The criteria for faculty evaluations are clearly delineated in Article 18 of the CBA.

Amendment 3 is "Department Clarification of University Criteria for Annual Performance Evaluations" according to CBA 18.6. Such clarifications are proper.

(1) Information reflecting the evaluation of a faculty member's performance shall be available for inspection only by the faculty member, the faculty member's representative, university officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating the faculty member's performance, and arbitrators or others engaged by the parties to resolve disputes, or others by court order. Such limited access status shall not, however, apply to summary data, by course, for the common "core" items contained in student course evaluations that have been made available to the public on a regular basis.