

**Memorandum of Understanding Concerning
Eligibility for Membership on Evaluation Committees
Under the BHE/MSCA Collective Bargaining Agreement**

A. General Rules

1. Tenure

Only persons who hold tenure are eligible to serve on evaluation committees.

A non-tenured Department Chair or Library Program Area Chair is not eligible to serve as consultant to a Committee on Tenure.

2. Leaves of Absence and Partial Year of Employment

Except as described in paragraphs (a), (b) and (c) below, (i) any person who is or will be on a scheduled leave of absence on a full-time basis (e.g., for a sabbatical) or an anticipated leave on a full-time basis (e.g., for a long-term illness) for an academic semester or longer, and (ii) any person who will be, or is expected to be, employed for no more than a single academic semester is, in any such case, disqualified from serving on any evaluation committee during the academic year (or years) in which the full-time leave or the partial year of employment occurs.

a. A person who will be on a leave of absence on a full-time basis during the spring semester of an academic year is not disqualified from serving on an evaluation committee if the work of the committee will have been completed prior to the end of the preceding fall semester.

b. A person who is on a leave of absence on a part-time basis (e.g., someone whose full-time employment consists of part-time sick leave in conjunction with part-time employment) is not thereby disqualified from serving on any evaluation committee.

c. A person whose partial year of employment will encompass the whole of the fall semester of an academic year is not disqualified from serving on an evaluation committee if the work of the committee will have been completed prior to the end of that fall semester.

3. Conflicts

No one is permitted to evaluate someone who is or will be evaluating him or her in the same academic year (this rule informs many of the particular rules that are set out below).

No unit member may serve on his/her own evaluation committee. No member of the bargaining unit shall serve on an evaluation committee or otherwise participate in the conduct of an evaluation if to do so would constitute a conflict of interest or the appearance of a conflict of interest. No unit member, for example, shall participate in the evaluation of his or her spouse or domestic partner.

The chapter president, chapter vice president and the grievance officer of each chapter shall be disqualified from serving on any evaluation committee, but shall not be disqualified from evaluating faculty or librarians in their role as Department Chair or as Library Program Area Chair.

4. Dual Roles

No member of the bargaining unit who is a candidate for a particular personnel action should be twice evaluated for that personnel action by another individual member of the bargaining unit; this rule does not prohibit Department Chairs from both evaluating candidates for tenure in his/her department and serving as consultants to the Committee on Tenure.

B. Peer Evaluation Committee (PEC)

1. General Rules of Eligibility

Subject to the rules of disqualification that are set out below, only the following members of the bargaining unit are eligible to serve as members of a PEC:

- a. in the case of the two members selected by the department/library, only persons who are members of the department/library or (but only absent a sufficient number of eligible members from within the department/library) persons who are members of a cognate department; and
- b. in the case of the single member selected by the person to be evaluated, only someone who is a member either of the department/library or of a cognate department.

2. Rules of Disqualification

Even if otherwise eligible to serve on a PEC, the following members of the bargaining unit are disqualified from doing so:

- a. the Chair of any department or a Library Program Area Chair;
- b. a candidate for promotion;
- c. a member of the Committee on Promotions, but only as a standing member of a PEC that will evaluate any candidate for promotion; he or

she can serve as the third member selected by a candidate if that candidate is not being evaluated for promotion;

- d. a member of the Committee on Tenure, but only as a standing member of a PEC that will evaluate any candidate for tenure; he or she can serve as the third member selected by a candidate if that candidate is not being evaluated for tenure; and
- e. a person undergoing post-tenure review, but only for evaluations of a Department Chair who will be conducting a classroom observation of that person that year.

3. Conduct of Classroom Observations

Whether members of the PEC conduct classroom observations in the fall or spring semester, the members of the Committee must be eligible to serve on the PEC during the semester in which the observations take place. The PEC established in the preceding fall semester must conduct any classroom observations that occur during the spring semester.

4. Number of Committees

If in a department/library with twelve or more full-time members, eight or more evaluations are required to be conducted by the PEC (for reappointments, promotions, tenure or evaluation of a Department Chair as a Chair or Library Program Area Chair as LPAC) in any academic year, the department/library may, at its discretion, establish two peer evaluation committees (but not more), and in that event the persons to be evaluated by each committee should be assigned by lot.

C. Committee on Promotions

1. Rank

Subject to the rules of disqualification that are set out below, only members of the bargaining unit holding the rank Professor, Associate Professor, Senior Librarian, Librarian or Associate Librarian are eligible to serve as members of the Committee on Promotions.

2. Rules of Disqualification

Even if otherwise eligible to serve on the Committee on Promotions, the following members of the bargaining unit are disqualified from doing so:

- a. the Chair of any department or a Library Program Area Chair;
- b. a candidate for promotion;

- c. the standing members of the Committee on Tenure; and
- d. a person undergoing post-tenure review whenever his or her Department Chair or Library Program Area Chair is a candidate for promotion.

3. Departmental/Library Limits

No more than one person from any one department or from the library can serve on the Committee on Promotions.

D. Committee on Tenure

1. Rules of Disqualification

Even if otherwise eligible to serve on the Committee on Tenure, the following unit members are ineligible to serve:

- a. the Chair of any department or Library Program Area Chair (except as a consultant to the Committee on Tenure);
- b. any member of the Committee on Promotions to serve as the departmentally elected member of the Committee on Tenure if the candidate for tenure is also a candidate for promotion.

2. Departmental/Library Limits

No more than one person from any one department or from the library can serve as a standing member of the Committee on Tenure.

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