

**MEMORANDUM**

TO: Labor Designees  
Human Resource Directors

DATE: October 11, 2007

FROM: Laura Blank, Deputy Senior Director *LB*  
University Labor Relations

RE: Evaluations and Reappointments

The University often loses instructional staff grievances at arbitration owing to errors made in the evaluation and reappointment/non-reappointment processes. The following are reminders you should share with your department chairs and other supervisory personnel:

**Evaluations**

- Only the chair or designated supervisor may be in attendance at the evaluation conference – i.e., no third party may be present without the consent of the PSC.
- The evaluation conference memorandum must be written after the conference has taken place. An evaluator may, however, bring notes to the conference to guide the discussion.
- The evaluation conference memorandum should provide guidance – it should not merely list an employee's activities – and should reflect what was discussed at the conference.
- While evaluators may consult with others prior to conducting an evaluation conference, evaluation conferences and memoranda should reflect the opinion of the evaluator. For HEOs, it is strongly suggested that the direct supervisor be designated by the appropriate dean or President to conduct the annual evaluation.
- The employee must be given a reasonable opportunity to review the evaluation conference memorandum and attach comments before it is placed in his/her personnel file. If the employee refuses or fails to initial the memorandum within the allotted time, it should be placed in his/her file with a notation of the employee's refusal or failure to sign (and with notice to the employee that the memorandum is being placed in his/her file).

### Reappointments/Non-reappointments

- Make certain that the employee's file is complete (particularly prior to P&B actions) and give the employee an opportunity to initial and comment upon any documents in his/her personnel file on which initials (or a notation of the employee's refusal/failure to initial) are missing. (Initialing should routinely be done prior to the placement of a document in an employee's file, but corrective action may be taken if there was an oversight).
- Make certain that the employee is being considered for reappointment/non-reappointment in the correct title and is credited with the correct number of years of service.
- Make certain that notice of non-reappointment is sent in time to be received prior to the notification deadline (December 1<sup>st</sup> for most faculty; March 1<sup>st</sup> for most HEOs) and that it is sent to the correct address. Late notice or mis-delivered notice may result in constructive reappointment. (Notice of reappointment should likewise be timely, but the consequences of a late notice are not as dire with respect thereto.)
- Notice of non-reappointment should be sent by both regular and certified mail, return receipt requested. Sending a copy by e-mail is a good, redundant mechanism for ensuring timely receipt. While hand delivery is also acceptable, please be aware that employees have been known to absent themselves just prior to notification deadlines.
- If an employee's record is weak, one need not (and most often should not) wait until the tenure/CCE/13.3b year to non-reappoint. While, in appropriate circumstances, an employee should have an opportunity to heed guidance, an employee has no contractual right to a fixed probationary period; reappointments are made on an annual basis.

LB/nl