

**CONGRESS/AFSCME NEGOTIATIONS
2007 – 2010 CONTRACTS**

AGREED UPON LANGUAGE

**ARTICLE XII
PROMOTION**

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Section 5 Procedures for Promotion

The following procedures shall govern consideration for promotion at the college level. The President or his designee is responsible for insuring that the procedures are followed.

(1) The President shall annually, by October 1, publish a list of those persons within the college who will have three (3) years of service since their previous promotion or original appointment to the college.

(2) Candidates for promotion must, by January 5, submit an application for promotion to the President on a form prescribed by the employer.

(3) A Promotion Committee as described below shall, by March 1, consider each applicant for promotion and shall:

- a. Make a recommendation for or against promotion (the committee shall not rank applicants);
- b. Inform each applicant, in writing, of the recommendation made;
- c. Produce a written recommendation with supporting rationale for each person recommended for promotion in a format to be chosen by the committee. These written recommendations shall be included in the applicant's promotion application file but comments contained therein shall not be used in any grievance procedure.

At each college there shall be one Promotion Committee. At the merged campuses, that committee shall be made up of three sub-committees, one consisting of Congress bargaining unit members, one consisting of Federation¹

¹ Federation of Technical College Teachers, AFT, Local 1942, AFL-CIO.

bargaining unit members and a third consisting of AFSCME² bargaining unit members. These committees shall be chosen in accordance with each union's current contract language, except that the AFSCME bargaining unit shall elect one member for each merged campus. Each sub-committee shall make its recommendations independently with respect to members of its bargaining unit. AFSCME members shall maintain their current practice unless they choose to opt into the committee process.

For the Congress bargaining unit, committee members shall be elected by the members of the bargaining unit consisting of tenured members of the bargaining unit, if possible, or if not possible, bargaining unit members who have completed at least three years of service. Members of the committee shall serve two-year terms. The size and composition of the committee shall be determined by the President and shall reflect, whenever possible the ratio of teaching faculty, librarians, counselors, and administrators in the bargaining unit at the college, except that individuals whose special appointment excludes them from consideration for promotion through the provisions of this Article shall not be eligible for Promotion Committee membership and provided that, wherever possible, there shall be at least one librarian, one counselor, and one administrator on the committee.

The Board shall consult with the Unions with respect to the written instructions which it gives to promotion committees. (See Side Letter re: Consultation.) The Promotion Committee shall keep a written record of the dates of all meetings, attendance at meetings, and materials considered and shall review the Board guidelines for their work. These records and materials shall be in the custody of the President or his designee. The committee shall not disclose its records or recommendations except as provided herein.

The promotion application and all evaluative material in the applicant's file generated since her/his previous promotion or original appointment to the college, whichever is more recent, referred to herein as the promotion application file, shall be forwarded to the Promotion Committee by the President. In making its recommendation, the Promotion Committee shall be guided by the individual's quality of performance of professional responsibilities as provided in Article X of this Agreement and give consideration to the material in the individual's promotion application file, and shall consider the best interest of the college and seek to establish an overall institutional perspective with respect to its recommendations.

The individual shall have the right to appeal an alleged violation of the foregoing procedural requirements by the Promotion Committee to the President provided that she/he does so in writing within ten (10) calendar days of the date of recommendation of the Promotion Committee. The President or his/her designee shall investigate any such allegation and the President shall, if he/she finds a procedural violation prejudicial to the individual, take remedial action or give weight to the violation in making his/her decision. This provision shall be the exclusive remedy for an alleged violation of the contractual procedures by the Promotion Committee and any such

² American Federation of State, County and Municipal Employees, Local 2480, Council 4.

allegation shall not be subject to Article VII unless the President has failed to take remedial action or give weight to the violation.

(4) The supervising dean shall, by March 15 or, if there is a procedural appeal under subsection (3) above, as soon as possible after the President has responded to such appeal, review the promotion application file for each applicant and shall:

- a. Make a recommendation for or against promotion;
- b. Inform each applicant, in writing, of the recommendation made;
- c. If the dean has recommended against promotion, provide specific written suggestions for areas of improvement.

(5) If the supervising dean makes a recommendation against promotion, the applicant shall have the opportunity to submit a written response which shall be included in the promotion application file before the file is transmitted to the President.

(6) In making his/her decision, the President shall be guided only by the criteria contained in this Article and shall give consideration to all material in the individual's promotion application file. In determining whom to promote, the President shall review the recommendations of the Promotion Committee and the supervising dean. Prior to making her/his decision, the President shall meet and discuss her/his intended decision with the Promotion Committee. Where there are differences between the President and the committee, the committee may forward a statement of the reasons for its position to the Chancellor, with a copy to the President.

The President shall forward her/his decision respecting promotions and a copy of the recommendations of the Promotion Committee to the Board by April 15 or as soon thereafter as the appeals process has been completed, but no later than May 15. The President shall inform the person concerned, in writing, of her/his decision. When the President determines that a candidate has failed to meet the standards for promotion, she/he will provide specific written suggestions for areas of improvement.

(7) Each time a bargaining unit member applies for promotion, a new promotion application file shall be created. The file shall contain all materials relevant to that promotion process and shall be maintained separate from every other file during and after the promotion process is concluded.