

York College/CUNY

Academic Appeals Procedure¹ Full-time Members of the Instructional Staff (Excluding members of the Higher Education Officer Series)

1. **Should a member of the instructional staff receive notice of a negative decision regarding reappointment, tenure, a Certificate of Continuous Employment or promotion by his/her department personnel and budget (P&B) committee**, a written request to the President for an appeal (with a copy to the College's Labor Designee)² to the College-wide P&B Committee may be submitted by (1) the affected faculty member, or (2) a member of the department P&B committee who wishes to submit a minority recommendation.

The request for an appeal to the College-wide P&B should be forwarded in writing to the President's Office within 14 working days of the notification from the department chairperson of the negative decision. Should this time lapse, no later request for appeal will be granted. The date of the appeal to the College-wide P&B Committee will be scheduled within 7 working days and the instructional staff member must advance his/her portfolio and any other documents to the Office of Academic Affairs so that Committee members are provided with advance notice of the appeal so as to permit time for a review of the record.

2. **Should a member of the instructional staff receive notice of a negative recommendation by the College-wide P&B committee, and the President's concurrence**, and wishes to appeal directly to the President, a written request for an appeal should be sent to the Office of President (with a copy to the College's Labor Designee) within 14 working days of the notification. Should this time lapse, no later request for appeal will be granted. When the appointment is scheduled the instructional staff member in question will be able to bring along a Supervisor, Chairperson or other colleague from the department, exclusive of the PSC representatives.

3. **During the direct appeal**, the instructional staff member is provided an opportunity to present to the President additional supporting documentation that he/she may not have previously included in his/her personnel file or Professional Portfolio, and/or to expand upon information previously provided. Appeals are usually scheduled for one hour, providing ample time for the instructional staff member's presentation, for the President's preliminary review of additional supporting documentation, and for the President to raise any questions he/she may have. The President may ask the Provost or a designee from the Office of Academic Affairs to be present at the appeal.

The President will render a written decision within 120 calendar days after the submission on appeal is complete, including the submission of any additional materials and the meeting with the President, if any.

4. **Should the appeal be successful**, the instructional staff member will be so notified. The President's written decision will indicate his/her intention to make an affirmative recommendation to the CUNY Board of Trustees; this correspondence may also include additional guidance offered by the President.

¹For appeals of a negative decision regarding reappointment, reappointment with tenure or CCE, and promotion.

²Russell J. Platzek, Esq., Executive Director of Legal Affairs and Labor Relations

5. **Should the appeal not be successful**, written notification will be provided. In accordance with Article 9.10 of the PSC/CUNY Agreement, the instructional staff member may, within 10 calendar days, excluding Saturdays, Sundays and legal holidays, after receipt of said notice, submit a written request to the President for a statement of his/her reasons for the denial of the appeal. The President shall provide within 10 calendar days, excluding Saturdays, Sundays and legal holidays a written statement of the reason(s) for denial to the affected employee.

6. **Should the President determine not to recommend the reappointment or promotion of a faculty member who received an affirmative recommendation from the College-wide P&B committee**, the faculty member will be so notified. In accordance with Article 9.9 of the PSC/CUNY Agreement, the faculty member may, within 10 calendar days, excluding Saturdays, Sundays and legal holidays, after receipt of said notice submit to the president a signed request for a statement of the reasons for his/her decision. The President shall provide within 10 calendar days, excluding Saturdays, Sundays and legal holidays a written statement of the reason(s) for denial to the affected employee. While the faculty member may still request an appeal directly to the President of his/her decision (see item #3), the President will not be required to provide a second reasons statement.

If you have any questions regarding this process, please contact Russell J. Platzek, Labor Designee, at rplatzek@york.cuny.edu or by calling ext. 2140.