

**Memorandum of Agreement (MOA) between
Portland State University (University)
and the Portland State University Chapter
of the American Association of University Professors (Association)
March 6, 2019**

Subjects: Criteria for service credit and evaluations for fixed-term faculty hired prior to the ratification of the 2016-2019 collective bargaining agreement (CBA) who are being retroactively transitioned into probationary continuous appointments per the terms of Letter of Agreement #12 (LOA #12).
Process for review and correction of letters of offer incorrectly placing NTT faculty in fixed-term positions

Recitals

Letter of Agreement #12 (LOA #12), included in the 2016-2019 Collective Bargaining Agreement between PSU and PSU-AAUP (ratified April 4, 2016), established a time-window and requirements for moving faculty on fixed-term appointments into probationary continuous non-tenure track (NTT) appointments. In accordance with LOA #12, that conversion window closed upon the approval of new guidelines for the evaluation and promotion of NTT faculty on probationary continuous appointments by the PSU Faculty Senate. The PSU Faculty Senate approved those guidelines on March 10, 2017.

In a number of cases, departments and units with faculty who under LOA #12 qualified for a transition from fixed-term to NTT probationary continuous appointments did not take the actions required to do so within the timeframe established by LOA #12. The parties have been presented by schools, colleges, and departments with requests to transition those faculty retroactively into probationary continuous NTT appointments. These requests have lacked any consistency in the number of years of service-credit awarded for work at PSU to those fixed-term faculty who under LOA #12 qualified for a conversion into probationary NTT appointments. Those requests also have lacked consistency in the number of annual evaluations conducted in accord with LOA #12.

The parties seek retroactive conversion to probationary continuous appointments of fixed-term faculty who under 2016-2019 CBA and LOA#12 qualified for conversion to probationary NTT appointments, but were not converted because their departments missed the original window spelled out in LOA #12. The parties also seek to apply a defined set of criteria in the award of credit for past service, and in the annual evaluation requirements, to these cases to ensure consistency in these conversions across the university.

Agreement

For fixed-term faculty who qualified under LOA #12 for a conversion to probationary continuous appointments, the University and the Association agree that they will apply a defined set of criteria in the negotiation of individual fixed-term faculty member's service credit towards their probationary continuous appointment, according to Article 18, Section 3 The scope of this

agreement is limited to fixed-term faculty who qualified under LOA #12 at the time of ratification of the 2016-2019 CBA.

Fixed-term faculty hired after the ratification of the 2016-2019 CBA do not qualify for the conversion under LOA #12. For fixed-term faculty hired after the ratification of the 2016-2019 CBA, there is no service credit towards probationary continuous appointments that will be awarded for service time in fixed-term appointments.

The University and the Association agree to the following to correct fixed-term letters of offer issued to faculty who should have received probationary continuous appointments. For faculty hired after spring term 2017 consistent with all the requirements for hire into probationary continuous appointments (as per Faculty Senate guidelines adopted March, 2017), and where the intention of the hiring department or unit was to offer a probationary continuous appointment, but were incorrectly given a letter of appointment for a fixed-term position, the parties shall consult, and after consulting, if they agree a fixed-term letter of appointment was issued in error, then PSU shall issue a corrected letter. The correction of these letters of appointment shall in no case waive any of the review requirements for the probationary period.

1. **Regarding the award of service credit towards probationary continuous appointments, the parties agree to the following:**
 - a. Service credit shall be awarded only for time spent as an AAUP-represented fixed-term instructional faculty through the end of Academic year 2016-2017, which is the end of the window defined in LOA #12 (the passage of the March 10, 2017 Faculty Senate guidelines referenced above).
 - b. Service credit shall be awarded only for time spent as an AAUP-represented fixed term instructional faculty member above .5 FTE.
 - c. One (1) year of service credit shall accrue to faculty members who worked 1.0 FTE at least two (2) of the three (3) terms in an academic year. No service credit will be granted for a year in which the individual faculty member was employed as a fixed-term faculty member for one (1) term.
 - d. The maximum amount of service credit awarded will be three (3) years.
 - e. Three (3) years of service credit will only be granted in cases where the employing unit completed at least one (1) positive annual evaluation during the period for which service credit has been requested.
 - f. A maximum of two (2) years of service credit will be granted in cases where the employing unit did not complete any annual evaluations during the period for which service credit has been requested.
2. Departments must fill, and must have filled, all positions eligible for probationary continuous appointment by an open search per the provisions of CBA Article 18.2.a, or departments are required to get a search waiver from Global Diversity and Inclusion.
3. Departments must complete or must have completed revisions to their department P&T guidelines to include continuous appointment evaluation procedures and criteria prior to

completing any annual probationary and Milestone Review evaluations as required when those final guidelines were adopted by the PSU Faculty Senate in March 2017.

4. Fixed-Term Non-Tenure Track Faculty may use any review materials that have been used for other purposes, such as promotional reviews, for the probationary period annual reviews.


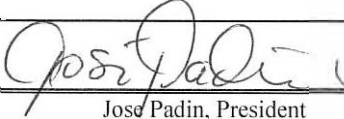
Criteria for the Award of Continuous Appointment after Conversion from Fixed Term Status.

Only faculty who, upon conversion from fixed-term to NTT status received service credit for years of service prior to Academic Year 2017-18, will be allowed to have fewer than the six annual reviews, which is the standard established by the Faculty Senate when it adopted the new guidelines for NTT continuous appointments on March 10, 2017.

All such evaluations will be conducted in accordance with the University and approved department P&T guidelines for Continuous Appointment evaluations.

This MOA will be effective upon ratification by the PSU-AAUP membership.

The parties will decide at the time the successor agreement is compiled how to incorporate this criterion in Article 18 Section 3.

<u>For the University</u>	<u>For the Association</u>
 _____ Shelly Chabon, Vice Provost for Academic Personnel and Dean of Interdisciplinary General Education	 _____ Jose Padin, President
<u>3/6/19</u> Date	<u>3/6/19</u> Date