

SETTLEMENT AGREEMENT FOR OER #15056
between
COUNCIL OF NEW JERSEY STATE COLLEGE LOCALS, AFT, AFL-CIO/AFT LOCAL 1904 and
MONTCLAIR STATE UNIVERSITY

In order to promote amicable employer-employee relations, and in settlement of the above captioned matter, the Council of New Jersey State College Locals, AFT, AFL-CIO (hereafter “Council”) / AFT Local 1904 (hereafter “the Union”) and Montclair State University (hereafter “the University”), hereafter “the parties,” agree as follows:

I. The following new clause shall be added to Article 2 (GENERAL GUIDELINES FOR PERSONNEL ACTIONS) of the duly negotiated Local Selected Procedures Agreement (“LSPA”):

2.7 EXTERNAL REVIEW LETTERS IN FACULTY AND LIBRARIAN PERSONNEL ACTIONS

2.7.1 Permissibility and Scope of External Review Letters

A minimum of three (3) external review letters are required for faculty member applications for reappointment with tenure and for promotion in rank. Such letters are optional for librarian applications for reappointment with tenure and for promotion in rank.

External reviewers should be qualified to review the candidate’s materials and must not have a relationship or collaboration with the candidate. Reviewers can be tenured academics from domestic or international universities, or otherwise be engaged in research, scholarship and/or creative or applied work related to the academic areas of the candidate. Librarians providing external review letters for candidate need not be tenured, but should demonstrate qualifications consistent with the expertise to review the application.

In addition to external review letters, candidates may solicit letters of support from colleagues, collaborators, or students, which may be used as supplemental support materials. Letters of support need not be solicited in the manner described below for external review letters and need not be confidential.

2.7.2 Procedure for Soliciting External Review Letters

For faculty reappointment with tenure, the candidate will submit three names of potential external reviewers, along with their titles, affiliations, and contact information, to the Department, School, or Library Personnel Action Committee (PAC), by May 1, to the newly elected PAC, which will review applications in the following academic year. For faculty promotion to the rank of full professor and for librarian tenure and promotion, the deadline to submit these names is August 15.

Candidates also have the opportunity to provide names of people that they prefer to not be reviewers for personal or professional reasons. The Personnel Action Committee of the candidate’s Department, School, or Library will also determine three (3) names of potential reviewers for each candidate.

Along with the names of three potential external reviewers, the candidate will submit a current curriculum vitae, three to five pieces of scholarship or creative activity, and a brief summary statement on scholarship, teaching, and service (no longer than 15 pages, single-spaced) to be sent to the external reviewers.

Candidates will also indicate whether they invoke their right to read and respond to external review letters. However, if, during the application process, a candidate who did not initially invoke that right subsequently wishes to read their external review letters, they will so inform the chair of their PAC.

The PAC chair will invite all six of the potential reviewers, as a “confidential letter request” in the electronic system for reappointment, promotion, and tenure (currently Interfolio), using the appropriate form letter from Appendix VI below. This form letter will include the criteria to be used to evaluate the candidate and background information about the University, the candidate’s department, and the candidate’s responsibilities. The form letter will also explain the meaning of confidentiality per the parties’ collective bargaining agreement: that if the candidate invokes their right to read external review letters, the reviewer’s identity will be redacted and kept confidential from the candidate. The PAC chair will also send the curriculum vitae and materials package prepared by the candidate using the electronic system.

The invitation sent by the PAC chair will ask reviewers to promptly commit to, or decline the invitation to review, by indication in the electronic system. The invitation will also include a link for the reviewer to use, that places the electronic recommendation letter directly into the candidate’s “case.” This is true for both faculty and librarian cases in the electronic system. The reviewer will be requested to submit their letter ~~within six weeks of the invitation~~ by **August 15th for fall actions and December 15th for spring actions** and will be prompted automatically by the electronic system on a weekly basis until the letter is submitted, the reviewer declines the invitation, or the submission deadline is reached.

In the case that one or more of the reviewers proposed by either the candidate or the PAC declines the invitation, or does not respond to the invitation within six weeks of the application deadline, the party who nominated that reviewer (the PAC or the candidate) will submit the name of a new reviewer. The PAC chair will then immediately solicit the review.

The deadline for submission of external review letters is ten (10) days prior to the promotion or tenure application deadline, after which any letters submitted will not be considered.

In the case that more than six external review letters are submitted for a candidate before the deadline (owing to extra reviewers being invited in place of reviewers who did not respond initially but then submitted letters), all of the letters received will be considered. Neither non-responses by potential external reviewers nor their decisions not to write letters shall be considered in the personnel action.

2.7.3 Candidate’s Response to External Review Letters

External review letters submitted for candidates who invoke their right to read and respond to them will have the name, the institution of the reviewer, and any other information contained in the letter that may identify the reviewer redacted by the PAC chair. The PAC chair will deliver the redacted letter to the candidate as a .pdf file, as an additional safeguard for the reviewer. If the PAC chair has lost access to the letters as a normal part of the process of review, they can request a copy of the letter from the local systems administrator in the Provost's office (who is not involved in the review process). The original, un-redacted documents shall be accessible to the PAC and to subsequent personnel action reviewers.

The candidate will have no less than seven (7) days prior to the application due date in which to review and submit a response to each external letter they have invoked their right to read. The candidate may also decide not to respond to any letter. All such responses to letters must be received by the final application deadline.

In cases where a candidate did not initially invoke their right to read and respond to external review letters but subsequently invokes that right by informing their PAC chair, the PAC chair will inform the Union and the Provost's office, who will negotiate a new timeline for the applicant. The PAC chair will redact the letters, as described above, and deliver them to the candidate as quickly as possible. The candidate may not alter their application package or their responses to any level of review already completed on the basis of those letters, but may use them to prepare subsequent responses.

At any time subsequent to the conclusion of a personnel action for which external review letters were solicited, a faculty member or librarian who did not invoke their right to read those letters during that process may request to read them, by notifying their Union officer, who will notify the Provost's Office. The Provost's Office will redact the letters, as described above, and deliver them to the faculty member or librarian within fifteen (15) days of the request.

2.7.4 Compensation for Summer Service of 10-month Faculty PAC Chairs

During the months of July and August, PAC chairs who are on 10-month employment contracts (or other 10-month employee PAC members serving as summer PAC chairs) who need to redact external letters and/or initiate invitations to new reviewers will receive compensation from the University in the amount of \$200 **per tenure or promotion candidate**.

2.7.5 Use of External Review Letters

External review letters are meant to inform, not determine, the evaluation of the candidate's scholarly, creative, or professional activity. The PAC, chairs, deans, Provost, and President should consider each external reviewer's report as only one piece of evidence when determining whether or not the candidate has satisfied the criteria for tenure and/or promotion.

External review letters solicited for any personnel action are only to be used in that action and cannot be used for other purposes. Nor, in the case that a candidate for promotion decides to

stop their application or the promotion is denied, may the candidate submit an external review letter from the application as part of a new application in a subsequent academic year.

II. The following shall be added as Appendix VI to the LSPA:

LSPA APPENDIX VI: FORM LETTERS FOR SOLICITING EXTERNAL REVIEW LETTERS

A. FORM LETTER FOR SOLICITING EXTERNAL REVIEW LETTERS
OF RECOMMENDATION FOR FACULTY MEMBERS

Dear Dr./Professor _____:

Dr. _____ is being considered for [reappointment with tenure and promotion to the rank of associate professor / promotion to the rank of full professor / reappointment with tenure and promotion to the rank of Librarian I (associate professor) / promotion to Assistant Director in the Library (Full Professor)] in [the Department / School of _____ / the Harry A. Sprague Library] at Montclair State University. We would appreciate obtaining your evaluation of Dr./Ms./Mr./Mx. _____'s activities, with reference to the criteria provided below.

Although your external letter is solicited as confidential to the applicant, [faculty members / librarians] at Montclair State University may invoke the rights under the collective bargaining agreement to read and respond to external review letters. Should Dr./Ms./Mr./Mx. _____ invoke that right, your identity and that of your academic or professional affiliation will be redacted and kept confidential from [him/her/them]. In any case, we ask that you write your letter in a way that does not reveal your identity to the candidate.

We are enclosing Dr./Ms./Mr./Mx.'s _____'s curriculum vitae and selected materials in evidence of those activities. We are also enclosing information about [Dr X's department, school, college, / the Harry A. Sprague Library] and the university to provide you the context of Dr. Ms./Mr./Mx. _____'s role at Montclair.

We invite you to consider the institutional context of this application by visiting: <https://www.montclair.edu/about-montclair/>

~~We offer the following background information to provide context for your assessment. [NOTE: The background information referred to here is still to be developed and is subject to mutual agreement, but shall include the following:]~~

- ~~a. Background about MSU: At a minimum this includes: Public, newly R2, Hispanic serving, with many first-generation students.]~~
- ~~b. Background about the department: # of full-time faculty members, # and focus of UG and grad programs, # of students.~~
- ~~c. Background on the candidate's role in the department, teaching load, advising load, service commitments, etc.]~~

We are very much obliged for your assistance in this matter. Because of our schedule in this action, we would need to receive your recommendation no later than (DATE) _____. ~~[Six weeks prior to the application deadline].~~ [\[August 15 for fall actions and December 15 for spring promotion actions\]*](#) If you are not able to provide such a recommendation under these

conditions and time constraints, kindly indicate that by clicking “decline” in the electronic system. If you accept this invitation, please know that our electronic system will periodically send you reminders until a letter is received.

Sincerely,

Chair, Personnel Action Committee

Enclosures

Criteria for Evaluation of Faculty Members

~~Teaching~~

- ~~1. Where appropriate, does the candidate's teaching, pedagogy and scholarly productivity likely result in rigorous training for students consistent with practices of the discipline or field?~~
- ~~2. Is there evidence of interconnectedness of teaching and research/scholarship that indicates a reciprocity of these two major components of a faculty member's work?~~

Research **and Scholarship**

1. Does the candidate's work result in peer-reviewed publications, professional presentations, and/or peer-reviewed exhibitions and performances, external grants or commissions, invited lectures, invitations to review manuscripts and/or tenure and promotion applications at other institutions, the award of fellowships, the production of letters, reviews and other forms of validation by qualified experts, and/or major professional recognition? Are the publications influential and/or cited by other scholars? Does the work open additional areas for further exploration?

~~Service~~

- ~~1. Where appropriate, has the candidate been engaged in substantive service to the profession, beyond service to the department, school, or college, appropriate for rank?~~

Criteria for Evaluation of Full Time Librarians

1. High quality of performance in the area of assigned responsibility.
2. Professional contributions and scholarly activity.
3. Additional academic preparation as evidenced by advanced degree or other relevant coursework.
4. Administrative and/or coordinating ability.
5. Participation in library, University, and community affairs.

- III. Candidates for reappointment with tenure and/or for promotion during the 2022-2023 Academic Year will not be required to have external review letters. Candidates wishing to obtain external review letters in conjunction with their applications in that year are encouraged to follow the procedures outlined above as far as possible. The parties recognize that these candidates may have initiated other procedures prior to the execution of this agreement.
- IV. This Settlement Agreement shall not set a precedent or, with the exception of the new LSPA provisions, be cited in any other forum except to enforce the provisions herein.
- V. These procedures for external review letters for faculty and librarian personnel actions shall remain in full force and effect unless and until they are modified by agreement of the parties, and during the period of their renegotiation. Either party desiring to modify any of these procedures shall serve notice to the other party in writing no later than January 1st of the academic year before which any such modifications would go into effect.
- VI. This Settlement Agreement shall not serve to amend, modify or change the existing terms of parties' Collective Negotiated Agreement.
- VII. Upon full and final execution of this Settlement Agreement, the Council hereby withdraws its appeal to arbitration docketed as OER 15056 without prejudice.

For the University: For the Council:

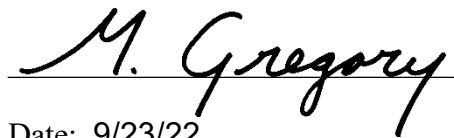


Date: July 21, 2022

Date: Sept 22, 2022

For the Governor's Office of Employee Relations:

For AFT Local 1904:



Date: 9/23/22

Date: 21 July 2022

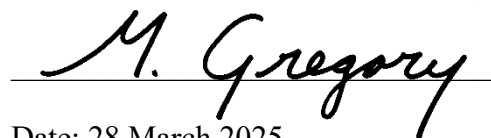
*The Local and the University mutually agree to the updated language and strikethroughs.

For the University

 March 28, 2025

Date:

For AFT Local 1904



Date: 28 March 2025