

12/22/10

MEMORANDUM OF AGREEMENT

This Agreement made by and between New Jersey Institute of Technology ("NJIT") and the NJIT Professional Staff Association/AAUP ("PSA") this 23rd day of December, 2010.

WHEREAS, the parties have negotiated a collective Agreement for the period of July 1, 2003 to June 30, 2007, which Agreement has been amended and supplemented by two Agreements, dated April 28, 2009 and November 19, 2009, respectively;

WHEREAS, pursuant to the MOA dated November 19, 2009, the parties agreed that with respect to performance pay for faculty in the final year of the current contractual period, to defer the development of performance-based compensation criteria and award procedures to a negotiating committee, to be guided by certain operative criteria as more fully set forth in such MOA;

WHEREAS, the parties agree to the following faculty performance-based salary increase distribution system to be implemented for FY 2011 based upon the total salary pool established as described in the MOA dated November 19, 2009;

NOW THEREFORE, the parties agree to the following contractual language:

FACULTY PERFORMANCE-BASED SALARY INCREASE DISTRIBUTION SYSTEM

1. The University's mission and focus stand on four areas of activity of the faculty:

- Teaching
- Scholarship
- Funded research
- Service to the University, the profession and the community

2. Development of Standards of Achievement and Weighting of Areas of Activity

A. Each College develops standards of achievement for activities within the University's four primary areas of focus for the Performance-Based Salary Increase Distribution System, and each Department's Promotion and Tenure Committee, in each College, recommends standards that are compatible with the College standards for consensus adoption by the Promotion and Tenure Committee, the Chair, and the Dean. Consensus of the Promotion and Tenure Committee shall be by a majority of two-thirds.

B. The Department will weight the four component activities, by consensus adoption by the P&T Committee, the Chair, and the Dean. Teaching is to be weighted at 45%, and the remaining 55% divided among scholarship, funded research, and service, with a consensus among the Promotion and Tenure Committee, the Chair, and the Dean. Consensus of the Promotion and Tenure Committee shall be by a majority of two-thirds. There should be consistency in the distributions for Departments with similar activities and with national norms and emerging opportunities by discipline.

C. The parties recognize that there may be situations where consensus cannot be reached concerning the specific criteria, and weighting factors, to be applied by given Departments. In

such cases, the parties agree to negotiate in good faith for resolution of any issues not otherwise specifically addressed by the terms of this Agreement.

3. Procedures for Distribution

A. The Department Chair will review all annual summaries in the Department submitted on a standard University form. Scores from 0 to 10 to one significant figure shall be assigned for each of the four areas of activity utilizing algorithms appended to this document. The scores will be weighted using the weighting factors in 2.B. to produce a composite score using the Performance Assessment Algorithm Score Sheet. The composite score will be used to determine individual salary increases as per distribution algorithms agreed upon by the negotiating teams. Faculty on sabbatical receive the University-wide average % increase. They are also eligible for an allocation from the Dean's performance pool pursuant to Paragraph 4. The algorithms for teaching and funded research, as well as the algorithms for scoring of service and scholarship are attached as Schedule "A" and incorporated into this Agreement by reference.

B. 90% of the performance pool will be assigned, by ratio of total faculty salary for the Department to the total faculty salary for the University, to each Department according to the contract. The remaining 10% attributable to each Department will be assigned to their College and distributed from that level by the Dean.

Furthermore, faculty who are reassigned from teaching to other significant formal Department/College/School service (e.g. Associate Chair, Ph.D. Program Director, undergraduate advising, etc.) or University service (e.g. University P&T Committee, Faculty Council, PSA/AAUP, Middle States Self-Study Chair, etc.) will participate in the Performance-Based Salary Increase Distribution System. Such faculty are to summarize for the Chair performance objectives for the applicable assignments and as part of the performance evaluation a summary of accomplishment in their Faculty Report. An additional salary increase based on performance and the exact level of administrative responsibility demanded by the specific reassignment from teaching will be recommended by the Chair/Dean from an enhanced Dean's pool based on the salaries of affected individuals by unit, the amount of effort reassigned, and the average salary increase for the faculty as a whole. The Chair will consult with the Provost and/or President, as appropriate, prior to making a recommendation for an additional salary increase for significant formal University service. The funds in the enhanced Dean's pool will be extracted from the 90% allocation in proportion to the reassigned hours.

C. A standard annual summary that is consistent with the areas of focus will be developed for the University. The summary will be in an electronic format that will allow for statistical analysis of the total data for the University.

D. Faculty notification of their performance award and publication of the data on the distribution should occur simultaneously as per notification requirements of the contract. Specific notification dates each academic year will be agreed upon by the PSA and the administration at the beginning of each fall semester.

4. Specific Principles for Award Process

In order to maintain consistency in the award process, the following principles will be applied:

A. Where the Chair and Dean are the same individual, the Dean/Chair shall act as the Chair and the Provost shall act as the Dean.

B. The minimum award to each faculty member will be 40% of the average in the pool in terms of the percent of salary. A lower award shall require written justification by the Chair and, unless a faculty member explicitly waives her or his right to an automatic appeal, confirmation by the Academic Process Review Committee (APRC; "2+2 Committee").

C. For the University overall, 90% of the faculty will receive at least 40% of the average in the total pool and 80% of the faculty will receive at least 55% of the average in the total pool. The distribution must satisfy these constraints.

D. The maximum award (in terms of percentage of salary) shall not exceed twice the average increase (in percentage), including the Dean's portion of the salary increase pool.

E. Student evaluations, as per the teaching assessment algorithm shall be used in evaluating a faculty member's teaching performance. Certain "difficult" courses and the history of that course's evaluations will also be used in the faculty's evaluation. The number of students in a class and the number of classes taught by the faculty shall also be part of the evaluation process. The manner in which these adjustments shall be made is addressed in the attached teaching algorithm. Special activities in teaching may be included in the Service Activities component in the annual summary where the chair can give credit in the service area and, further, the Chair can recommend special action by the Dean.

F. As a general matter, the award will be based only on accomplishments and activities for the previous year. However, the Dean's 10% discretionary funds shall be used for awarding exceptional accomplishments in either or both of the years prior to the award.

G. An additional percentage increase award for exceptional formal service accomplishments from the Dean's enhanced pool for faculty who are reassigned from teaching to other significant formal service will be between 3.75 and 6.25% of the average percent increase for the University per hour of reassigned effort (see example in attached service algorithm).

H. The Dean's 10% discretionary funds distributed within a College should not result in any Department receiving an allocation that exceeds its original allocation by more than 25% (e.g., original allocation = \$30,000, allocation after 10% withheld = \$27,000, maximum distribution of 10% monies to Department = \$37,500)

I. If a faculty member serves as a Chair for half of a year, her or his full year of service will be credited to the Chair's performance pool, and her or his award for the full year of service shall be made from the Chair's pool.

5. Appeal Process:

A. There shall be a two step appeal process. Appeals must be filed with the Dean within 10 business days of the faculty member receiving notification of the performance award.

B. A meeting with the Dean will be held within 10 business days of the filing of the appeal (unless otherwise extended by the parties) where a faculty can present reasons why he or she believes the award is not appropriate. The Dean must render a decision within 5 business days of the meeting. If the Dean accepts the faculty member's position, or if a mutually agreed upon resolution is otherwise achieved, any additional award will come from the Dean's "10%" and the grievance is resolved.

C. If the parties cannot resolve the grievance at Step 1, Step 2 will be a hearing by the Academic Process Review Committee (APRC). A faculty member filing a merit appeal before the APRC must file his or her appeal within 5 business days of receipt of the decision of the Dean. The APRC shall hear the appeal within ten (10) days of the receipt of the appeal, which time may be extended by consent of the parties, but should be convened as soon as reasonably practicable, so that the remainder of the "10%" monies can be distributed. The APRC must render a decision within 5 business days of the hearing.

6. Additional Guiding Principles:

A. Any performance-based salary increase not covered explicitly by these criteria will be determined by the Dean and awarded from the Dean's 10% pool. This determination can be appealed to the standing APRC. The Dean in determining the final award may consider all the information supplied in the Faculty Report and by the Department Chair.

B. When an award is recommended by the Dean that falls below the established award guidelines, unless the faculty member explicitly waives her or his right to an automatic appeal, that award shall automatically be submitted to the APRC with written justification for its review.

C. Transparency shall be the rule for the entire process, with the goal of basing salary increases on measureable achievements within the defined parameters. All data associated with the Faculty Performance-Based Salary Increase Distribution System for a Department will be made available to all faculty in the Department. Summaries of data from all academic Departments will be made available to all faculty.

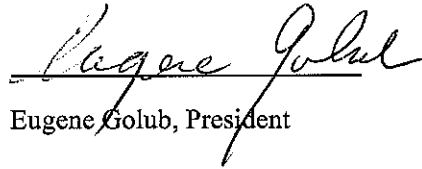
D. In the event that there are issues which arise in connection with the Faculty Performance-Based Salary Increase Distribution System which were not considered and addressed by the parties, such issues shall be referred to the parties' negotiating teams for resolution.

For New Jersey Institute of Technology



Robert A. Altenkirch, President

For NJIT PSA/AAUP



Eugene Golub, President

TEACHING - FUNDED RESEARCH ALGORITHM

TEACHING

Teaching Faculty Raw Score (FRS_T) = Sum for all classes of:

(# of contact hours) X (# students in class*) X (normalized student evaluation on Question 13) X (course adjustment factor)**

* A class of fewer than 20 students will be listed as 20 students

** An evaluation of 1.5 or less is given a zero value for Q 13 in the algorithm. Student evaluations are normalized using the average evaluation in the Department for undergraduate and graduate courses (normalized evaluation=faculty members evaluation/average evaluation for the Department). Departments can additionally normalize the evaluations for other categories, such as higher division and lower division courses as appropriate.

Evaluations for undergraduate courses that have fewer than 10 students or fewer than 6 respondents will utilize the average Department undergraduate evaluation. Evaluations for graduate courses that have fewer than 5 students or fewer than 3 respondents will utilize the average Department graduate evaluation.

Course adjustment factor for a “difficult course” = 1.25. Each Department may designate 15% of its courses as “difficult courses.” An algorithm will be developed to account for historically high/low evaluation scores.

TEACHING ACTIVITIES									
COURSE	FALL SPRING	CONTACT HOURS	NUMBER STUDENTS	CORRECTED		STUDENT EVALUATION	NORM EVALUATION	CORRECT. FACTOR	FACULTY Raw
				NUMBER STUDENTS	STUDENT EVALUATION				SCORE/ COURSE
Mech 234	fall	3	28	28	1.40	.56	0.00	0	
Mech 235	fall	3	46	46	3.10	1.24	1.25	213.9	
Mech 235	spring	3	28	28	2.60	1.04	1.00	87.5	
CE620(GRAD)	spring	3	11	20	3.30	.94	1.00	56.4;	
								FRS_T	347.9

Teaching scores are assigned, using the Performance Assessment Algorithm spreadsheet, on a scale from 0 to 10 with the 10 being equivalent to the highest FRS_T.

FUNDED RESEARCH

Faculty Raw Score funded research (FRS_{FR}) = Sum of all funding for the faculty member

For multiple investigators:

- (co-)P.I.'s =
$$\frac{\text{total \$ for contract X 1.25}}{\# \text{ of (co-)P.I.'s X 1.25} + \# \text{ of investigators}}$$
- Investigators = (total \$ for contract – (co-)P.I. \$) / (# of non-(co-)P.I. investigators)

P.I. \$=sum of contract \$ accounted for by (co-)P.I.'s

FUNDED RESEARCH

PROJECT number	FUNDING AGENCY	FUNDS		# of PI & co-Pi's	# of Investigators.	FACULTY SCORE
		EXPENDED EVALYEAR	ROLE OF FACULTY*			
1	NJDOT	\$100,000	1.25	2	3	\$22,727
2	NSF	\$50,000	1.25	1	2	\$19,231
3	NJDEP	\$120,000	1	2	2	\$26,667
4	NJDEP	\$25,000	1	1	3	\$5,882
5	NJDEP	\$5,000	1.25	1	1	\$2,778
					FRS_{fr}	\$77,285

Role of faculty

*PI/co-PI =1.25

Investigator = 1

Funded Research scores are assigned, using the Performance Assessment Algorithm spreadsheet, on a scale from 0 to 10 with the 10 being equivalent to the highest FRS_{FR}.

SERVICE

Service activities include service to the University, the profession and the community. Examples include, but not limited to those shown and the point range for the activity*:

University	
PhD advisement	4-6
MS advisement	2-3
University committee, College committee, Department committee, course-program development, etc.	3-5
Other service activities are addressed below as Significant Formal Service.	
Profession	
National society, state society, local society committee	2-5
Community	
State or regional board, municipal board, elected official	2-5

* each activity has a minimum value, 1st number, and the Department Chair in evaluating the activity can assign a value up to the 2nd number. The Chair may assign a lower/higher value of the range shown with justification. The max value is 1.5X 2nd number. Above or below this range may be assigned with written justification.

Faculty Raw Score (FRS_s) = Sum[values for each service activity]

This data is added to the distribution spreadsheet by setting the highest faculty score and assigning a score of 10 to that individual. The score for all other faculty will be assigned as their faculty score/highest faculty scoreX10.

Significant Formal Service

The following formula will be used to determine any award for effort reassigned from teaching to significant formal service:

SFSA=Significant Formal Service Award

HRS=Number of hours of teaching reassigned for Significant Formal Service

%=3.75 to 6.25% as determined by the Chair or Dean (when same as Chair)

SFSA=HRS X % X Average Percent Increase for the University

SCHOLARSHIP

Scholarship activities are measured principally by the quality and quantity of accomplishment in the following areas: publications (e.g., scholarly books, articles in peer-reviewed journals, book chapters, edited works, and other publications); conference presentations of original research and related activities; and creative work. For example, each activity of all eligible faculty will be evaluated by the Department Chair, with justification, as follows: Refereed Journal = 3-5, Conference Proceedings = 3-4.5, Report = 3-4.5, Presentation = 3-4, Book = 3-7, Book Chapter = 3-5, Paper/Book review = 3-5.

Each Department will rank all pertinent journals in the field to assist in the evaluation of papers.

* each activity has a minimum value, 1st number, and the Department Chair in evaluating the activity can assign a value up to the 2nd number. The Chair may assign a lower/higher value of the range shown with justification. The max value is 1.5X 2nd number. Above or below this range may be assigned with written justification.

Faculty Raw Score for publications (FRSP) = Sum[values for each publication activity]

This data is added to the distribution spreadsheet by setting the highest faculty score and assigning a score of 10 to that individual. The score for all other faculty will be assigned as their faculty score/highest faculty scoreX10.