



TO: The College Presidents
The Deans of the Professional Schools
The Chief Academic Officers
The Labor Designees
The Human Resources Directors

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SUBJECT: Appendix E Guidance Update
Performance Review – Length of Observation

We are writing to update you on a [recent arbitration decision](#) that impacts the performance review requirement for adjuncts eligible under Appendix E - the Multi-Year Appointments for Teaching Adjuncts Pilot.

The performance review requirement for all adjuncts eligible for consideration for a 2-year appointment under Appendix E requires, at a minimum, “a 50-minute classroom observation.” To date, CUNY’s guidance on the length of a classroom observation was that it had to be at least 50 minutes – meaning, it could be as long as the length of a class, but that it had to be a minimum of 50 minutes.

However, the PSC took the position and a recent [arbitration decision](#) held that teaching observations for adjuncts eligible for consideration under Appendix E are limited to 50 minutes (the length of a contact hour) and that multiple observations of no more than 50 minutes in length are permissible.

As a result, effective immediately, colleges should limit all teaching observations of adjuncts eligible for consideration for a 2-year appointment to 50 minutes. If an observation exceeds 50 minutes, it will not satisfy the performance review requirement of a 50-minute observation under Appendix E and may preclude the college from relying on the observation as a basis for a non-reappointment.

In the event a college conducts an observation of more than 50 minutes in length, the college may correct this procedural defect by conducting another observation of no more than 50 minutes in length in advance of the P&B meeting during which the initial or successor appointment is being considered.

When a class duration exceeds 50 minutes, the classroom observation may occur at any point during the class; but it can't last for more than 50 minutes. In instances where a department wishes to observe an adjunct beyond 50 minutes, it may conduct a second observation of no more than 50 minutes in length during another class.

Departments or colleges may continue to implement a more expansive adjunct performance review than a 50-minute observation but must apply the expansive review to all similarly situated adjuncts in the department or college. An expansive review may include, amongst other things, a review of student evaluations and DFWI's in courses assigned to an adjunct.

In summary, the practical implications of this [arbitration decision](#) is that:

1. Classroom observations for full-time faculty and adjuncts who are not eligible for consideration under Appendix E must be for a full classroom period.
2. **ALL** Classroom observations for adjuncts eligible for consideration for initial or successor appointments under Appendix E must be for no more than 50 minutes in length. These observations include any conducted under Appendix E or Article 18.

This guidance supersedes the guidance provided in the [Appendix E FAQ](#) Questions 16 and 17, which will be modified to reflect these changes.

If you have any questions, please contact Alex Bernstein at 646-664-2979 or alex.bernstein@cuny.edu.