

## Model Standards and Procedures for Probationary Period

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*Explanatory note: These model standards and procedures have been created by the AFM's Symphonic Services Division with input from leaders in the symphonic field, including the leadership of the Black Orchestral Network. These standards and procedures provide a model for codifying processes that previously have been ill-defined and far from uniform in our symphonic CBAs. As a result of a lack of clarity, consistency and transparency around probation and tenure processes, musicians at that stage of their careers have endured—without recourse—some of the worst failures of our industry, ranging from poor communication about expectations and how to meet them to discrimination, harassment and denials of tenure for reasons that seem to have little to do with the musician's performance.*

*This document is intended as a model, to be used in the collective bargaining process between employers and local unions of the AFM. It could be adopted in its entirety as a new CBA article or an exhibit to a CBA. It can also be used as a reference for how to update and improve aspects of existing processes. Additional explanatory notes in italics can be found throughout this model document.*

*For assistance in bargaining these model standards and procedures, contact the AFM's Symphonic Services Division.*

*-Rochelle G. Skolnick, Director, Symphonic Services Division and Special Counsel, AFM  
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The first full season of a musician's employment will be probationary ("Probationary Period"). The parties agree that this period is intended to provide the Probationary Musician with the opportunity to establish themselves as a member of the orchestra and for the orchestra to grow together with the Probationary Musician. The Probationary Period is also intended to allow the Employer (Music Director), with input from tenured musicians, to evaluate the Probationary Musician's ability to perform the job for which they have been hired at the standard of the orchestra. To facilitate these aims, the parties have agreed to implement these Standards and Procedures for the Probationary Period. Although the Personnel Manager is directly responsible for their administration, ultimate responsibility for compliance with these Standards and Procedures rests with all levels of the organization. Failure of the Employer to ensure compliance with any aspect of these Standards and Procedures may form the basis of a grievance pursuant to Article\_\_ [*reference CBA grievance provisions*].

The parties acknowledge that substantial resources have been expended by both the orchestra and the Probationary Musician in the audition process and that the decision to hire the Probationary Musician reflects their abilities and their status as the best available candidate for the position. The parties also acknowledge the substantial resources expended by orchestra and Probationary Musician during this probationary process. Accordingly, the parties agree that a denial of tenure should be rare and that these Standards and Procedures are intended to support the attainment of tenure by a Probationary Musician.

1. Orientation. Prior to the start of the season [*timing may need to be adjusted but should occur at the earliest practicable opportunity*], an orientation session will be held with all then-probationary musicians.
  - a. The orientation will be jointly led by the Personnel Manager with representatives of the Orchestra Committee and the Local Union. At this session, if not before, each Probationary Musician will be provided with a copy of the current CBA and information about becoming a member of the Local Union. Additional information may be provided at the discretion of either the Employer or the Local Union.
  - b. These Standards and Procedures will be reviewed at the meeting and each Probationary Musician will be given the opportunity to ask questions about the process by which tenure is attained.
  - c. In the event all then-probationary musicians cannot attend the scheduled meeting, additional meetings will be scheduled and held as needed for those who could not attend.
2. Criteria. The criteria on which each Probationary Musician will be evaluated will be job-related and as set forth herein:
  - a. Professionalism: punctuality, treating colleagues with respect, complying with established standards and policies of the institution.
  - b. Technical proficiency on the instrument consistent with the level of the orchestra: sound quality, intonation, articulation, rhythm and pulse, dynamic range, bow technique (for string players).
  - c. Ensemble playing: ability to match colleagues and section mates with regard to sound quality, intonation, articulation, rhythm and pulse, dynamic range, bowing (string players).
  - d. Artistry: responsiveness to direction from the podium. Ability to deliver expressive and nuanced performances at a level of artistry consistent with the level of the orchestra.
  - e. Leadership: for musicians acting in a principal or solo capacity, ability to lead effectively and appropriately. Fulfilment of any agreed-upon and clearly enumerated administrative functions.
  - f. Growth: ability to respond to constructive criticism of musical, professional and leadership expectations. Evident striving for and dedication to attaining ever greater musical performances.
3. Musician's Advocates. Each Probationary Musician will be assigned two tenured musicians, one designated by the employer and the other designated by the Orchestra Committee and Local Union jointly, to serve as the Probationary Musician's Advocates throughout the Probationary Period. A Musician's Advocate may not serve on that musician's Probation Advisory Committee. The role of the Musician's Advocate is to provide support and assistance to the Probationary Musician as they navigate the Probationary Period and, on behalf of the Probationary Musician, to help identify potential or actual failures of compliance with these Standards and Procedures.

4. Probation Advisory Committee. For each Probationary Musician, a Probation Advisory Committee (PAC) of tenured musicians will be formed as described below and charged with providing advisory feedback on the Probationary Musician's performance as further set forth in these Standards and Procedures.
  - a. PAC Composition. For each Probationary Musician the PAC will consist of:
    - i. Musician members of the audition committee who judged the auditions that led to the engagement of the Probationary Musician.
    - ii. Additional tenured musicians as appropriate to the position of the Probationary Musician [*note: the actual composition of each PAC should be determined based on the orchestra roster, composition of the audition committee and the position of the Probationary Musician*]:
      1. For a member of a string section, whether titled or section player, all titled string players and a total of \_\_ [*number TBD*] members of the string and other sections of the orchestra.
      2. For a member of a woodwind section, all other members of the woodwind section and a total of \_\_ [*number TBD*] members drawn from other sections of the orchestra.
      3. For a member of the brass section, all other members of the brass section and a total of \_\_ [*number TBD*] members drawn from other sections of the orchestra.
      4. For a member of the percussion or timpani section, all other members of the percussion section and a total of \_\_ [*number TBD*] members drawn from other sections of the orchestra.
      5. For a member of the harp or keyboard sections, all other members of the harp and keyboard sections and a total of \_\_ [*number TBD*] members drawn from other sections of the orchestra.
  - b. Election. At the start of each season, the musicians of the orchestra will elect, by secret ballot, members of each section to serve, on an as-needed basis, on Probation Advisory Committees. Balloting will be conducted jointly by the Personnel Manager and the Orchestra Committee.
  - c. Conflicts of Interest. No tenured musician may serve on a PAC where that musician's participation would compromise the integrity and impartiality of the process, or would create an appearance of partiality. Such conflicts of interest include, but are not limited to, situations where the tenured musician has a dating, familial, domestic, or similar relationship with the Probationary Musician; where the tenured musician or someone with whom the tenured musician has a dating, familial, domestic, or similar relationship competed within the previous \_\_ [*number TBD*] seasons for the position held by the Probationary Musician; or where a student of the tenured musician was a finalist in the auditions that led to engagement of the Probationary Musician. A musician serving as a Probationary Musician's Advocate may not serve on the PAC for that musician but may serve on a PAC for a different musician. The parties will be jointly responsible for

identifying and resolving any potential conflicts of interest prior to the start of the probationary process. The Probationary Musician is encouraged to raise any conflict of interest concerns at any point during the process through their Musician's Advocate(s) or directly with the Personnel Manager.

5. Training. Prior to participating in any probationary process each member of a PAC, each Musician's Advocate, the Music Director and the Personnel Manager will receive training. In addition to orienting each individual as to their specific obligations pursuant to these Standards and Procedures, the training will provide guidance in identifying and avoiding bias and best practices for providing constructive feedback. Such training must be repeated annually. [*note: the intervals at which training occurs may need to be adjusted but should occur at regular intervals and after any substantive changes to the adopted Standards and Procedures*].
6. Process. Members of the PAC will provide input and feedback to the Music Director and the Probationary Musician at regular intervals throughout the probationary season. This feedback, along with the Music Director's own impressions and observations, will be shared with the Probationary Musician in an effort to support the Probationary Musician's attainment of tenure.
  - a. Schedule of Reviews. A first review will take place between \_\_\_ and \_\_\_ days after the start of the Probationary Musician's employment. A second review will take place between \_\_\_ and \_\_\_ days after the start of the Probationary Musician's employment. A third and final review will take place between \_\_\_ and \_\_\_ days after the start of the Probationary Musician's employment. [*note: timing of all three reviews to be bargained based on the orchestra's schedule and other practical considerations*]
  - b. Surveys. In connection with each review, each member of the PAC will complete a non-anonymous survey in the form set forth as Appendix A to this policy.
    - i. The survey results will be collated by the Personnel Manager. The Personnel Manager will confirm that the comments provided adhere to these Standards and Procedures; any non-compliant comment(s) will be stricken and the commenter advised of the removal of the non-compliant comment(s). After review by the Personnel Manager, survey results will then be provided to the Music Director and the entire PAC.
    - ii. In connection with the first and second reviews, a meeting will be convened between the Music Director and members of the PAC to discuss the Probationary Musician's performance and identify any concerns that could preclude the Probationary Musician from attaining tenure. The Personnel Manager will attend this meeting and document the discussion. Following these meetings, the Personnel Manager will then provide the Probationary Musician and the Musician's Advocate(s) with a list of any such concerns and the collated survey results, all in writing. The Music Director will then hold a scheduled meeting with the Probationary Musician, the Musician's Advocates and, if desired by the Probationary Musician, a Union representative, to answer questions and provide further guidance aimed at assisting the Probationary Musician in successfully

attaining tenure. The Music Director will communicate to the Probationary Musician if their attainment of tenure is in jeopardy and what concerns must be addressed prior to the next review. A written summary of this guidance will be provided to the Probationary Musician following the meeting.

- iii. In connection with the third and final review, a meeting will be convened between the Music Director and members of the PAC to discuss the Probationary Musician's performance and the decision to grant or deny tenure. Following that meeting, the musicians of the PAC will take a secret ballot vote, administered by the Personnel Manager, on the sole question of whether to grant tenure to the probationary musician. The results of that vote will be provided to the Music Director, who will make the final decision.
    - iv. The Probationary Musician will be offered an additional season of probation in the event that the Music Director's decision is not supported by a majority of the PAC. Additional seasons of probation based on this provision will be capped at \_\_\_.
7. Final Decision. The Probationary Musician will be informed of the decision to grant or deny tenure or to offer an additional probationary season no later than \_\_\_\_\_. [*note: date TBD based on season schedule and pre-existing contractual notice deadlines*] In the event tenure is denied, the Probationary Musician will be informed of the reason(s) for the Music Director's decision.
8. Compliance. In the event the probationary musician believes there has been a failure to comply with the process set forth herein, the probationary musician is encouraged to raise such concerns immediately, either directly with the Personnel Manager or through the Musician's Advocate so that the process may be remedied. A probationary musician who believes this process has been violated and wishes to file a grievance must do so within \_\_\_ days [*number of days same as grievance timeline in CBA*] after the final decision has been rendered.
9. No Retaliation. There shall be no retaliation against a Probationary Musician or any other musician identifies a conflict of interest or raises any other concern about compliance with these standards and procedures. All such concerns shall be documented, investigated and responded to by the employer. There shall be no retaliation against any musician on the basis of their participation in this process.
10. Records Retention. At any meeting required by these Standards and Procedures, a designated note taker will document the discussion. These notes will be added to an official file containing all survey results and other documents and records pertaining to the tenure process for each Probationary Musician. These records will be made available to the Probationary Musician and the Union upon request and retained by the Employer for a period of no less than five years.

## Appendix A: Survey Questions

1. Your name

2. Does the musician arrive punctually and treat colleagues with respect at services?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

3. Is the musician adequately prepared for rehearsals and concerts?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

4. Does the musician respond appropriately to the conductor's instruction?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

5. Does the musician demonstrate good ensemble playing, i.e., play with the section/follow the section leader and/or other principals?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

6. Does the musician play in the correct musical style?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

7. Does the musician play with good rhythm and pulse?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

8. Does the musician match bowings (if string player)?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

9. Does the musician match bow strokes (if string player)?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

10. Does the musician match dynamics of their section?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

11. Does the musician match articulations?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

12. Does the musician blend with/match tone of their section?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

13. Does the musician match intonation?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

14. Does the musician show effective leadership when in a principal role?

Never/Deficient      Sometimes/Poor      Average      Usually/Good      Always/Excellent

15. Please provide information about specific areas that need improvement:

16. Additional comments: