

MIRACOSTA COMMUNITY COLLEGE DISTRICT

**DISTRICT/FACULTY ASSEMBLY
AGREEMENT**

**FOR THE PERIOD
JULY 1, 2021 - JUNE 30, 2022**

ARTICLE H: EVALUATION AND TENURE REVIEW

H.1.0 GENERAL EVALUATION PRINCIPLES

In accordance with Education Code § 87663(c), evaluation of faculty members shall include, but not be limited to, a peer review process.

The evaluation and tenure review processes have been designed to measure established written criteria and ensure that only information related to those criteria can be considered in the process.

The terms of this Article shall be effective for all faculty undergoing tenure review or evaluation in the fall 2021 semester or later. Any tenure plans, assistance plans or corrective action plans written before fall 2021 shall remain in effect and are not altered by this Article.

H.1.1 Confidentiality

All members of the faculty and administration participating in any evaluation process shall respect the right to privacy of faculty undergoing the tenure review or evaluation processes.

All evaluations and evaluation documents shall be treated as confidential and access to such documents shall be restricted to only those individuals who have a legitimate need to access them during the course of the evaluation process or as part of their regular job duties for the district.

H.1.2 Evaluation Schedule

Full-time faculty evaluation shall occur according to the following schedule:

- **Contract faculty** (referred to in evaluation procedures as “tenure candidates” or “candidates”): at least once every academic year.
- **Regular faculty** (referred to in evaluation procedures as “tenured faculty”): at least once every three (3) academic years.
- **Temporary full-time faculty** at least once during their first semester of employment, using the same forms and processes as tenure candidates.

Faculty members who have elected to retire at the end of the semester or academic year in which they are scheduled to be evaluated may elect either of the following: (1) to undergo the full evaluation process described in this section, or (2) to receive an evaluation consisting of only student surveys as their final evaluation process as outlined in section

H.5.0. In order for this section to apply, the retiring faculty member must have submitted their retirement notice to and had it accepted by the district during the academic semester or year of evaluation.

H.1.3 Timelines, deadlines, exceptions and voting

The timelines and deadlines established in this Article shall be observed in the tenure review and evaluation processes. Steps in these timelines may be completed prior to the listed deadlines as long as they are completed in sequential order, including as appropriate for the evaluation of short-term classes.

If extenuating circumstances exist, written appeals for timeline extensions outlining the reasons and conditions for the request may be made to the appropriate dean in consultation with the Faculty Assembly president. Whenever possible, the appropriate dean or designee shall respond to the request within two (2) business days, stating reasons for either granting or denying the request. Requests for timeline extensions related to medical or parental leaves shall be made in consultation with the faculty member, dean, the Faculty Assembly president, and Human Resources department. The approval or denial of a request for a timeline extension must be documented in the evaluation packet of the affected faculty member and communicated to the Tenure Review Committee (TRC) chair or the Peer Review Committee (PRC) chair, as appropriate. No exceptions may be made to the March 15 statutory deadline.

All members of the TRC and PRC are expected to attend all committee meetings and prepare all reports as defined by this Article. Under unusual circumstances, a member may participate in a meeting by teleconference (audio or audio/video) if approved in advance by the appropriate dean.

TRC and PRC members shall make decisions by consensus, when possible. Where consensus is not possible, decisions shall be made by majority vote. In the event of a tie, the recommendations of the TRC or PRC shall be submitted with all supporting documents to the Appeals and Review Committee for a decision.

H.1.4 Criteria for Evaluation

The following five *Criteria for Evaluation* delineate the areas of performance to be reviewed at the conclusion of each three-year evaluation cycle. Those serving on PRCs must limit their evaluation to the five major criteria for the faculty member under evaluation.

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All components of faculty evaluation shall be based on the following five *Criteria for Evaluation*:

1. Demonstrated skill in classroom teaching, non-classroom roles, and other responsibilities specifically listed in the employment job announcement. These may include:
 - a. Maintaining currency and depth of knowledge in the primary areas of responsibility;
 - b. Using effective communication, written and oral;
 - c. Fostering an inclusive learning environment toward equitable outcomes;
 - d. Demonstrating a commitment to cultural competence and equity-minded pedagogies;
 - e. Ensuring careful attention to effective organizational skill in the classroom and/or other worksite(s);
 - f. Utilizing specific techniques or technology utilized in the classroom and/or worksite(s);
 - g. Maintaining a commitment to program/discipline development and enrichment; and
 - h. Demonstrating creativity and innovation.

2. Respect for students' rights and needs. This may include:
 - a. Demonstrating patience, fairness, and promptness in the evaluation and discussion of student work;
 - b. Exhibiting sensitivity and responsiveness to the needs of individual students and their special circumstances, when appropriate;
 - c. Demonstrating sensitivity to and understanding of the diverse academic, social, economic, cultural, ability and ethnic backgrounds of community college students which affect the learning process in the specific area of assignment;
 - d. Maintaining contractual obligation to teaching and worksite hours and, if appropriate, to regular and timely office hours and/or the course outline of record;
 - e. Acknowledging and defending the free inquiry of students in the exchange of criticism and ideas; and
 - f. Recognizing the opinions of others.

3. Respect for colleagues and the educational professions. This may include:
 - a. Acknowledging and defending the free inquiry of colleagues in the exchange of criticism and ideas;
 - b. Recognizing the opinions of others;
 - c. Acknowledging sources, when appropriate;
 - d. Striving to be objective in their professional judgment of colleagues;
 - e. Acting in accordance with the ethics of the profession and with a sense of personal integrity;

- f. Working in a spirit of timely cooperation to develop and maintain a collegial atmosphere;
 - g. Timely response to the administrative requirements of the assignment, including, but not limited to, submitting census rosters, grades, requests for scheduling information, documentation of services (ex. counseling notes), and/or responsiveness to direct communications; and
 - h. Demonstrating sensitivity to human and cultural diversity among colleagues.
4. Continued professional growth, which may be demonstrated by:
 - a. Participating in self-initiated professional activities such as coursework, attendance at workshops, seminars, or professional meetings;
 - b. Developing new curriculum, programs, or services;
 - c. Engaging in personal and professional development related to cultural competence and equity-minded practices;
 - d. Conducting discipline, programmatic, or pedagogical research;
 - e. Contributing to written publications, artistic exhibits, or conference presentations;
 - f. Maintaining involvement in professional organizations, community partnerships, or other activities; and
 - g. Providing service in student organizations and activities, including district sponsored student success initiatives and outreach activities.
 5. Participation in institutional service and collegial governance. This may include:
 - a. Active involvement in a fair share of committee work or leadership roles (e.g., governance councils, advisory committees, ad hoc committees, task forces, and accreditation standards groups);
 - b. Active involvement in department or program functioning (e.g., sub-committee work, program review, and participation in Student Learning Outcomes assessment processes).

Results of Student Learning Outcomes assessments shall not be a factor in faculty evaluation.

H.2.0 TENURE REVIEW AND EVALUATION COMMITTEE

There shall be a Tenure Review and Evaluation Committee (TREC).

H.2.1 Composition of the Tenure Review and Evaluation Committee

The membership of TREC shall be as follows:

- Three (3) deans, appointed by the superintendent/president;
- One (1) tenured TREC chair, appointed by the Faculty Assembly president in consultation with the Academic Senate president, and confirmed by the Faculty Assembly Executive Committee;

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- Eleven (11) tenured faculty members, appointed by the Academic Senate president and confirmed by the Academic Senate Faculty Assembly president and confirmed by the Academic Senate;
- Two (2) tenure candidates in the third or fourth cycle of tenure review, appointed by the Academic Senate president and confirmed by the Academic Senate.

At least two (2) faculty members appointed by the Academic Senate must be non-classroom faculty members. No more than two (2) members from the same department may serve on the committee at the same time.

If in any academic year the number of tenure candidates per tenure coordinator is greater than three (3), additional committee members may be appointed by the Academic Senate president.

The TREC chair shall not serve as a Tenure Coordinator, TRC chair, or PRC chair. Whenever possible, the chair shall have a minimum of one year's prior service on TREC. Reassigned time of 0.20 FTE per semester shall be provided for the chair of TREC.

All committee members are voting members, except for the chair. The chair shall only vote to break a tie.

Committee members serve for two-year terms and may be reappointed without term limits. Committee members shall participate in an initial training session and familiarize themselves with the provisions of this Article.

H.2.2 Responsibilities of the Tenure Review and Evaluation Committee (TREC)

TREC shall provide a global perspective in the tenure review process for tenure candidates and the evaluation processes for tenured faculty and temporary full-time faculty. TREC shall serve as a resource for faculty undergoing the tenure review or evaluation processes, as well as for TRC or PRC chairs and committee members. TREC may be consulted to provide procedural clarity throughout the tenure review and evaluation processes, including any appeals.

TREC facilitates best practices in the faculty evaluation process by serving as the recommending body to the district and Faculty Assembly regarding the tenure review and evaluation processes. TREC shall make recommendations regarding tenure and evaluation procedures, standards, evaluation calendars, and forms with the purpose of ensuring that faculty evaluations are clear, accurate, fair, and equitable.

The district will review any evaluation forms with the Faculty Assembly for consistency with the evaluation criteria and process as reflected in this Agreement prior to the implementation. This review does not apply to modifications that relate only to format, layout, or modality (e.g. paper vs. online forms).

TREC, in conjunction with the district, shall also facilitate the training of tenure candidates, TRC members, PRC members, and tenured faculty members undergoing evaluation. TREC shall serve an integral role in coordinating and facilitating Small Group Instructional Diagnosis (SGID) for faculty undergoing the tenure review or evaluation processes.

All tenured faculty members of TREC shall serve as tenure coordinators on one or more TRCs if appointed by the chair. Tenure candidates may not serve as tenure coordinators.

H.2.3 Process for Recommendations of the Committee

All standards, forms and procedures developed by TREC shall be submitted to the district and to the Faculty Assembly for approval. If there is a disagreement between the Faculty Assembly and the district on one or more of the standards, forms, or procedures recommended by TREC, each of these shall become subjects for negotiation between the district and the Faculty Assembly.

The Faculty Assembly shall consult with the Academic Senate regarding any substantial change in the standards, forms, or procedures recommended by TREC.

H.3.0 APPEALS AND REVIEW COMMITTEE

There shall be an Appeals and Review Committee (ARC).

H.3.1 Composition of the Appeals and Review Committee

ARC shall consist of the following five (5) members:

- Two (2) administrators and one (1) alternate appointed by the superintendent/president;
- Two (2) faculty members and two (2) alternates appointed by the Faculty Assembly president in consultation with the Academic Senate president; and
- The chair of the Tenure Review and Evaluation Committee.

Upon receipt of an appeal from a tenure candidate, the superintendent/president, Academic Senate, and Faculty Assembly shall appoint their representatives to serve on ARC. Alternates shall serve in the event the appointed representative(s) are members of an appellant's TRC, PRC, or are unable to serve.

ARC shall appoint a chair selected from among its membership for each appeal. The chair of TREC may not also serve as the chair of ARC.

Committee members shall familiarize themselves with the provisions of this Article.

H.3.2 Responsibilities of the Appeals and Review Committee

ARC shall be responsible for ensuring that the tenure review process for probationary faculty and the evaluation process for tenured faculty and temporary full-time faculty is fair and equitable. The committee shall review all appeals to determine procedural adherence and ensure that the tenure review and evaluation processes meet general district standards.

In any appeal hearing, each member of ARC shall be objective in regard to the positions of both the appellant and the TRC.

In considering an appeal, committee members are responsible for reviewing all appeal-related documents, including the appellant's previous evaluations, as appropriate, to assess the TRC or PRC's recommendation and the appeal. ARC shall recommend to the superintendent/president or designee to uphold or overturn the TRC's recommendation for the tenure candidate, and/or all potential remedies for process or timeline violations.

ARC may invalidate a faculty evaluation if substantial departures from the evaluation procedures prescribed in this Article are found to have prejudiced a fair and objective evaluation of the faculty member's job performance.

See section H.4.11 for the appeal process for tenure candidates and H.5.10 for tenured faculty members.

H.4.0 EVALUATION OF TENURE CANDIDATES

In accordance with sections 87663 & 87609 of the California Education Code, all contract faculty will be evaluated under a tenure review process that provides for a maximum four (4) year evaluation period before tenure may be granted as a regular faculty member.

Candidates who have previously received tenure at another college may be eligible for early tenure. (See section H.4.10.)

The Board of Trustees shall make all re-employment decisions involving contract faculty members. Rehire and tenure recommendations from the TRC shall be presented to the appropriate vice president for review. The appropriate vice president shall forward the evaluation packet with their recommendation to the superintendent/president for a final recommendation. The superintendent/president's final recommendation regarding rehire and tenure for each tenure candidate shall be forwarded to the Board of Trustees for a decision.

H.4.1 Evaluation Cycles for Tenure Candidates

- First Evaluation Cycle: fall semester of the first academic year
- Second through Fourth Evaluation Cycles: spring semester (beginning spring of the first academic year) to end of fall semester
- Off cycle hires: Contract faculty must work at least 75% of the number of days in the regular academic year in order to receive credit toward tenure. (Ed. Code § 87468). The academic year begins the first day of the fall semester. (Ed. Code § 87601). Contract faculty hired during the spring semester will begin the formal evaluation process during the next fall semester.

H.4.2 Tenure Review Committee (TRC) Composition

The tenure review committee (TRC) is responsible for evaluating the candidate in accordance with the Criteria for Evaluation and making recommendations regarding re-employment or granting of tenure. Continuity of TRC members should be maintained to the greatest extent possible. However, if extenuating circumstances exist, replacement of a TRC member, including the tenure coordinator, may be permitted with the consent of the TREC chair.

- **TRC Chair** - a discipline expert or tenured member of the department or workgroup to which the candidate belongs elected by consensus of the full-time faculty members of the department or work group. If the department or work group cannot reach consensus the chair shall be elected by majority vote of the full-time faculty members of the department or work group. The chair is responsible for scheduling and leading all TRC meetings, and coordinating the collective writing of all *Tenure Plans* and TRC reports.
- **Two Department or Work Group (D/WG) Peers** - tenured members of the department or workgroup to which the candidate belongs, or tenure candidates in their fourth evaluation cycle who have not been given a Corrective Action Plan during the tenure process. To the extent possible, peers should be from the candidate's discipline or closely related discipline. If there are no tenured discipline peers in the district, the TRC chair and appropriate dean may authorize the use of a discipline consultant from outside the district. The TRC selects both D/WG peers during the first evaluation cycle; the candidate selects one of the two peers beginning the second evaluation cycle in consultation with the tenure coordinator, and the TRC selects the other.
- **Appropriate dean** - If the candidate's position falls under the purview of multiple deans, the appropriate vice president will choose which dean will serve on the TRC.

- **Tenure Coordinator** - A tenured member of TREC, appointed by the TREC committee chair in consultation with the TRC chair. The tenure coordinator serves as an advocate of the tenure review process and helps to ensure clarity, accuracy, fairness and equity in the process. Tenure coordinators are non-evaluating, non-voting members of the TRC and do not conduct observations of the candidate. The tenure coordinator shall not be a member of the same department or work group as the tenure candidate, and, whenever possible, shall not be under the direct supervision of the dean assigned to the TRC.

H.4.3 Tenure Plans

The TRC will create a *Tenure Plan* to guide the tenure candidate through each evaluation cycle.

- **First Evaluation Cycle:** no *Tenure Plan* exists. During the first evaluation cycle, the elements of tenure review are prescribed as follows for each candidate:
 - Classroom or worksite observations (as specified in section H.4.4)
 - Student surveys (as specified in section H.4.5)
 - Candidate observations (2)
 - Participation in all required department, program, or work group functions
 - Dean's report
 - *Candidate Self Study*
 - Submission of an evaluation packet
- **Evaluation Cycles Two Through Four:** A new *Tenure Plan* is created for evaluation cycles two through four. These cycles begin the spring semester of the first academic year and end the next fall semester. In these evaluation cycles, the minimum required elements include:
 - Classroom or worksite observations (as specified in section H.4.4)
 - Student surveys (as specified in section H.4.5)
 - Candidate observation (1)
 - Participation in all required department, program, or work group functions*
 - Participation in institutional service, including collegial governance and/or departmental initiatives*
 - Dean's report
 - *Candidate Self Study*
 - Submission of an evaluation packet

* To be documented in the *Professional Growth and Activities Report*

- **Optional Elements** - Optional elements, including additional surveys, observations, small group instructional diagnosis (SGIDs), or Flex activity attendance or leadership,

may also be included in the *Tenure Plan*. The candidate shall be primarily responsible for choosing optional elements; however, TRC members may choose options linked to particular concerns identified in the *Tenure Plan*.

- **Modifications to the *Tenure Plan*** - When a modification to the *Tenure Plan* must be made that affects the timeline for completion, the tenure coordinator must obtain approval by the appropriate dean in consultation with the Faculty Assembly president. Any modifications must be documented in the *Tenure Plan* by the tenure coordinator.

H.4.4 Classroom or Worksite Observations for Tenure Candidates

- **Requirements**
 - **Scheduling** - A classroom and/or worksite observation schedule will be made by the candidate in consultation with the TRC by the end of week four (4) of the fall semester, or week two (2) of the spring semester.
 - **Pre-Observation Discussion** - A pre-observation discussion must occur between the evaluating TRC member and the candidate to discuss the specific objectives or goals the candidate will address at the class/activity to be observed. The pre-observation discussion may be in person, by phone, or email. The observer may request course/activity related documents and information, such as syllabi, sample exams, or other media used in the class section being observed. For non-classroom duties, samples of job-related projects and activities may be requested.
 - **Post-Observation Discussion** - A post-observation discussion must occur between the evaluating TRC member and the candidate to provide feedback concerning their observations as they relate to the criteria for evaluation. The post-observation discussion must occur within one (1) week of the observation.
 - **Observation and Discussion Report** - Each TRC member who completes an observation must complete an *Observation and Discussion Report*. Only documents provided to the TRC member during the pre-observation discussion, observation, or post-observation discussion may be attached to the report. By the end of week nine (9) of the fall semester, or week fifteen (15) of the spring semester, all observations shall be complete and observers shall send *Observation and Discussion Reports* to the tenure coordinator.
 - **Additional Observations** - Additional classroom or worksite observations may be performed upon the recommendation of the TRC or at the request of the candidate. Additional observations must be documented in the *Tenure Plan*.

- **Classroom Faculty**

- **Evaluation Cycle One** - Classroom observations will be conducted for four (4) courses or 80% of a candidate's teaching load (whichever is greater) during the first fall semester of tenure review. When a candidate teaches fewer than four (4) class sections, more than one TRC member may visit the same class section. Otherwise, no two members of the TRC may visit the same class section, unless extenuating circumstances exist and the tenure coordinator grants approval. During evaluation cycle one, at least one (1) observation must be made by the appropriate dean.
- **Evaluation Cycles Two through Four** - Three (3) classroom observations or a number of observations equal to 60% of a candidate's teaching load (whichever is greater) are conducted during the second through fourth evaluation cycles. During evaluation cycle two, at least one (1) observation must be made by the appropriate dean.

- **Non-classroom Faculty**

- **Evaluation Cycle One** - Each member of the TRC is scheduled to observe at least one (1) selected activity during the first fall semester of tenure review. No two members of the TRC should observe the same activity, unless extenuating circumstances exist and the tenure coordinator grants approval. During evaluation cycle one, at least one (1) observation must be made by the appropriate dean.
- **Evaluation Cycles Two through Four** - Three (3) members of the TRC conduct an observation of an activity during each evaluation cycle. During evaluation cycle two, at least one (1) observation must be made by the appropriate dean.

- **Online Observations** - Observation of online classes may take place if the classes are part of the candidate's assigned contract load. To the extent practicable, if an online class will be observed, the candidate should be observed by a TRC member who has been certified to teach online. The observation length should be at least fifty (50) minutes and does not have to be consecutive in nature.

- Classroom Faculty: An online observation will include at least one of the following two approaches below to be used during a week-long observation timeframe:
 - The candidate must authorize student-level access to the evaluating TRC member. The TRC member may log into the online course and navigate the course.

- The candidate and evaluating TRC member may schedule a meeting when both parties can access the online course. During this meeting, the candidate may demonstrate and explain the online course to the evaluating TRC member.
- Non-classroom Faculty: The candidate will consult their TRC regarding an appropriate activity to be observed. As appropriate to the selected activity, the candidate may need to obtain advance approval of a student for the evaluating TRC member to participate in the activity.
- **Split Assignments** - Candidates whose assignment includes both classroom and non-classroom duties, observations in each evaluation cycle shall be conducted in proportion to the candidate's assignment. The number and type of observations to be conducted in each cycle shall be determined by the TRC.

H.4.5 Student Surveys for Tenure Candidates

Student surveys are to be conducted in accordance with the *Tenure Plan*. The timing of student surveys may be scheduled over a period time (i.e. range of weeks) and not on a specific day. Surveys shall be completed by the end of week nine (9) of the fall semester, or week fifteen (15) of the spring semester. Candidates may not administer or collect their own student surveys.

- **Classroom Faculty** - a *Student Survey of Classroom Instruction* will be administered in four (4) courses or 80% of a candidate's teaching load (whichever is greater) during each evaluation cycle of tenure review. The candidate may elect which courses will be surveyed. The method of delivery may be by either a student proctor or TRC member. Situations in which a candidate teaches fewer than four (4) class sections mandate that all sections be surveyed. Online or self-paced open-entry classes part of the candidate's contract load may be surveyed electronically.
- **Non-Classroom Faculty** - Candidates should seek to obtain a minimum of thirty-five (35) responses from the *Student Survey of Non-Classroom Services*. Candidates with non-classroom duties that do not include substantial direct interaction with students shall be surveyed using the *Faculty/Staff Survey of Non-Classroom Services*. Candidates with atypical non-classroom faculty roles may employ uniquely designed surveys for constituents within or outside the district, with the approval of the tenure coordinator in consultation with the appropriate vice president and Faculty Assembly president. The method of delivery for student surveys may be by point of service for individual or group contacts, or electronic.
- **Split Assignments** - Candidates whose assignment includes both classroom and non-classroom duties, the appropriate surveys shall be administered in proportion to the

candidate's assignment. The number of classroom sections and non-classroom services to be surveyed shall be determined by the TRC.

H.4.6 Other Evaluation Components for Tenure Candidates

- **Candidate Observations** - Each evaluation cycle, candidates shall observe faculty performing their primary job function (instructor, librarian, counselor, director, coordinator). Completion of observations are documented in the *Tenure Plan*, but no formal report is completed.
 - **Evaluation Cycle One** - Two (2) candidate observations of TRC members must be conducted during evaluation cycle one.
 - **Evaluation Cycles Two through Four** - At least one (1) candidate observation must be completed during evaluation cycles two through four. Observations in these cycles are not limited to TRC members and may include faculty at other institutions or professionals that work in a closely related discipline. The candidate may choose which faculty members to observe, unless otherwise determined by the TRC to address specific concerns. During cycles two through four, the candidate records completion of the observation(s) in the *Professional Growth and Activities Report*.
- **Professional Growth and Activities Report** - During the second through fourth evaluation cycles, the candidate must document their involvement in institutional service, collegial governance, participation in department or work group or program functioning, and participation in professional activities. This report shall be submitted to the TRC chair by the end of week nine (9) of the fall semester.
- **Dean's Report** - Each evaluation cycle, the appropriate dean shall prepare a report pertinent to the criteria for evaluation. The report may include, but is not limited to, the candidate's professional interactions with colleagues, participation in institutional service, classroom management, promptness in evaluation of student work, adherence to timelines and due dates of administrative duties (e.g. grades, submission of census rosters), maintaining contractual obligations to teaching and worksite hours as related to classroom management (e.g. maintaining schedule of classes and office hours). This report shall be submitted to the tenure coordinator by the end of week eleven (11) of the fall semester.
- **D/WG Responsibilities Observation Report (Optional)** - The TRC may elect to include this optional form in the candidate's *Tenure Plan* and all TRC members may provide input to this report. This report shall be submitted to the tenure coordinator by the end of week eleven (11) of the fall semester.

- Section A: first-hand information observed by members of the TRC during formal department or work group meetings, and department or work group duties and activities in which the full membership of the department or work group is expected to participate.
- Section B: The TRC chair may use Section B of the report to verify information provided in the professional growth and activities report. The name of the department or work group member(s) interviewed and the substance of the information received must be documented and included in the report.
- **Candidate Self Study** - Each candidate's evaluation packet shall include a succinct self-study document addressing their professional growth and establishing future goals. Candidates shall also address any concerns reported in *Observation and Discussion Reports* and respond to any substantial issues raised in student surveys. Candidates shall also propose specific strategies for resolving those issues and concerns during the next evaluation cycle. If concerns were documented in the previous *Tenure Review Committee Report*, candidates shall analyze the effectiveness of their strategic responses to those concerns. The candidate's self-study must be submitted by the end of week thirteen (13) of the fall semester with the evaluation packet.
- **Response Reports (Optional)** - Candidates may include responses to any *Observation and Discussion Reports, Tenure Review Committee Reports, Department/Work Group Responsibilities Observation Reports* or *Dean's Reports*.
- **Revised Materials (Optional)** - Candidates may include in their evaluation packet classroom or other material they have revised in response to student surveys and/or *Observation and Discussion Reports*.

H.4.7 Submission of Tenure Evaluation Packet

Each candidate is responsible for assembling an evaluation packet that incorporates the elements specified in their *Tenure Plan* and any other relevant evaluation materials. The deadline to complete and submit the evaluation packet to the tenure coordinator is by the end of week thirteen (13) of the fall semester.

H.4.8 Tenure Review Meetings

- **TRC Introductory Meeting (First Evaluation Cycle Only)** - a TRC Introductory Meeting shall be held between weeks one (1) and four (4) of the fall semester (inclusive) to introduce the candidate to the TRC and schedule observations, the Tenure Review Meeting, and the Tenure Evaluation Meeting for the first evaluation cycle.

- **Tenure Review Meeting** - the Tenure Review Meeting shall be held between weeks fourteen (14) through sixteen (16) of the fall semester (inclusive) of each evaluation cycle to review the candidate's evaluation packet and any previous *Tenure Plans*. The TRC and candidate shall prepare a *Tenure Plan* for the following evaluation cycle (except in the fourth cycle).
- **Tenure Evaluation Meeting** - the Tenure Evaluation Meeting shall be held between weeks fourteen (14) through sixteen (16) of the fall semester (inclusive) of each evaluation cycle, after the Tenure Review Meeting. The tenure candidate shall not attend. At this meeting, the TRC shall evaluate the candidate on each of the five Criteria for Evaluation, and complete the *Tenure Review Committee Report*.

The *Tenure Plan*, the *Tenure Review Committee Report* and any *Corrective Action Plan* must be finalized and approved by the TRC at this meeting. However, clarifying details may be added to the *Tenure Plan* and the *Tenure Review Committee Report* so long as they are finalized within three (3) business days of the meeting and approved by the TRC. As part of the *Tenure Review Committee Report*, the TRC shall determine a recommendation regarding reemployment or tenure (including early tenure). Decisions must be based solely upon factors and information present in the cumulative evaluation packet. Information received from individuals outside the TRC may not be considered, except as part of the *D/WG Responsibilities Observation Report*.

The TRC chair shall provide the *Tenure Plan* and *Tenure Review Committee Report* to the tenure coordinator within three (3) business days after the tenure evaluation meeting. Within three (3) business days thereafter, the tenure coordinator shall attach a copy to the candidate's portfolio and forward the original *Tenure Review Committee Report* to Human Resources and the appropriate vice president. Human Resources shall be responsible for ensuring that signatures are collected according to the required timelines.

H.4.9 Corrective Action Plans for Tenure Candidates

Concerns raised during evaluation will generally be addressed in the *Tenure Plan* and by adding options to the *Tenure Plan*. However, in cycles one through three the evaluating members of the TRC shall develop a *Corrective Action Plan* during the tenure evaluation meeting if a majority of the TRC members determine that all of the following conditions are met:

- (1) a substantial deficiency exists in relation to one or more of the Criteria for Evaluation;
- (2) the deficiency represents a significant barrier to tenure; and
- (3) the deficiency is not likely to be remedied during the probationary period through the addition of options to the *Tenure Plan*.

All *Corrective Action Plans* must be reviewed by the TREC chair and a district appointee currently serving on TREC. *Corrective Action Plans* shall provide an indication of existing barriers to tenure along with steps to be taken to resolve the issues. They shall also include a timeline by which the TRC's expectations are to be met. Failure by the tenure candidate to fully correct the concerns expressed in a *Corrective Action Plan* in the time allotted by the TRC may result in a recommendation not to offer further contracts or to deny tenure.

The TRC may make a recommendation not to offer rehire or deny tenure even in the absence of a *Corrective Action Plan*.

H.4.10 Early Tenure Option

- **Statement of Intent** - Candidates interested in applying for early tenure must include the *Statement of Intent to Seek Early Tenure* in their first-cycle evaluation packet along with evidence that they have met the early tenure eligibility requirements identified below. TREC will review and provide a determination of eligibility to apply for early tenure by week six (6) of the spring semester of the second evaluation cycle.
- **Eligibility** - Tenure candidates are eligible to apply for early tenure at the end of their second evaluation cycle only if both of the following conditions are satisfied:
 - The candidate was granted or has been recommended for tenure in a similar position at an institution of higher education with a defined review process; and
 - The TRC agrees that the candidate has demonstrated meeting to an extraordinary degree each of the district's five Criteria for Evaluation by a majority vote. In the absence of a majority vote, an early tenure option will not be exercised.

H.4.11 Appeals to TRC Recommendations

The tenure coordinator shall inform the tenure candidate of the TRC's tenure or rehire recommendation in person or by phone within two (2) business days from the date the recommendation is made by the TRC. The tenure candidate shall also receive a written notification of the TRC's recommendation. If the tenure or rehire recommendation is negative, the notification shall inform the candidate of their right to appeal any such recommendation. A copy of the notification must be sent to the ARC chair and the TREC chair.

Appellants shall complete an appeal form and submit it to the ARC chair within ten (10) calendar days of the written notification of the TRC's recommendation that generated the appeal. The tenure candidate may consult with the TREC chair regarding the appeals process.

The grounds for appeal to ARC are:

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- Failure to adhere to the tenure review or evaluation process; or
- Failure to adhere to the tenure review or evaluation timeline; or
- To break a tie vote of the TRC; or
- In the case of a TRC recommendation not to rehire or to deny tenure in the absence of a Corrective Action Plan.

Within three (3) business days of receipt of the appeal form, ARC shall request the tenure candidate's complete portfolio for review. ARC members, including alternates, shall each individually review the appellant's portfolio, except that ARC members who also served as a voting member on the TRC of the appellant shall not participate in the review or hearing.

ARC hearings shall be held by the end of the second week of the spring semester. All five (5) ARC members or their alternates must be present at any hearing or review. The hearing shall provide the opportunity for the appellant and the TRC to present all necessary information in support of their position.

Both the appellant and a representative chosen by the TRC have the right to provide a personal presentation of their case to ARC. The position of each party shall be heard separately. The appellant has the right to have a peer representative present in this meeting if they so desire, and this person shall be an observer. The representative of the TRC shall be accompanied by a separate member of the TRC, and this person shall be an observer.

Immediately following the hearing, ARC shall meet without the candidate or TRC representatives present to discuss and make their recommendation to either uphold or overturn the TRC recommendation. The primary basis for ARC's recommendation shall be its determination as to whether the evaluation procedures specified in this Agreement have been properly followed. In making decisions, ARC shall give due consideration to the recommendations of the TRC. In reviewing the candidate portfolio, each TRC member's input shall be afforded equal consideration. ARC may not consider the opinions of the TRC chair, dean, or any faculty peer as more or less important than that of other TRC members.

ARC's recommendation shall be made by consensus whenever possible. When consensus is lacking, a vote shall be taken and recorded. In the event of a tie, each committee member shall prepare their own recommendation which shall be submitted to the superintendent/president or designee for a final decision.

The ARC chair shall record the committee's recommendation on the appeal form. The form shall be transmitted to the superintendent/president.

H.4.12 Grievance Procedure for Contract Decisions

Contract faculty members who wish to challenge a decision not to grant a second or third contract proceed to a hearing in accordance with Education Code § 87740, which is before an Administrative Law Judge appointed by the Office of Administrative Hearings.

H.5.0 EVALUATION OF TENURED FACULTY

Each tenured faculty member (TFM) shall be notified that they are scheduled to be evaluated by the end of week two of the semester preceding the evaluation by Human Resources. Human Resources shall also send a reminder to the TFM by the end of the first week in the academic semester of the evaluation. The evaluation shall be based primarily on activities and observations since the last evaluation period.

The TFM shall be evaluated in the performance of the duties as part of their regular job responsibilities. In the event that a TFM is reassigned for fifty percent or more of a contractual load, or on special assignment, the PRC may request to observe or survey overload assignments to satisfy the standards of evaluation under this Article.

H.5.1 Peer Review Committee (PRC) Composition

The peer review committee (PRC) is responsible for evaluating the TFM in accordance with the Criteria for Evaluation.

The PRC consists of one (1) tenured faculty peer, the elected department chair, and the appropriate dean, who are voting members. The TFM may request up to two (2) additional tenured faculty peers to serve on the PRC, who are non-voting members. The TFM is responsible for selecting tenured faculty peer(s) from their discipline or closely related discipline in consultation with the appropriate dean. If an online class will be observed, the TFM should consider including a peer or peers who have been certified to teach online. The TFM shall notify Human Resources of the PRC composition by the end of week two of the semester of the evaluation.

If the TFM works in more than one department, the department chair shall be the chair where the TFM is primarily assigned, unless an exception is granted by the appropriate dean. If the TFM is the department chair, two (2) tenured faculty members from the discipline or closely related discipline must be selected to serve on the PRC, so that the committee consists of three (3) members. If there are no tenured discipline peers in the district, the dean may authorize the use of a discipline consultant from outside the district.

Except in unusual circumstances, a TFM should not serve on the PRC of a tenured faculty peer during the same academic year. In addition, a TFM should seek a wide variety of faculty perspectives and strive for a varied PRC composition in subsequent evaluation cycles.

The dean shall be responsible for carrying out the election of the PRC chair and ensuring the evaluation process is conducted in a manner consistent with established timelines and with

Article H of the contract. The PRC chair is responsible for completing the *PRC Report* along with any *Corrective Action Plans*.

The continuity of the PRC shall be maintained to the greatest extent possible. However, if extenuating circumstances exist, and a member of the PRC is unable to continue to participate on the committee due to a leave, resignation, retirement, or any other reason, the following shall apply: the appropriate vice-president shall select the replacement of a dean unable to serve, the department shall select the replacement of a department chair unable to serve, and the TFM shall select the replacement of the tenured faculty peer unable to serve.

H.5.2 Components of Evaluation for Tenured Faculty Members

The evaluation of the TFM shall consist of the following components:

- Classroom or worksite observation
- Student surveys or SGIDs
- *Professional Growth and Activities Report*
- *Self-Study*

PRC members may also submit an optional *Individual PRC Report* as specified in section H.5.6 below.

H.5.3 Evaluation Schedule Report

By the end of week three of the academic semester of the evaluation, the TFM shall submit an *Evaluation Schedule Report* that documents the classroom or activity to be observed, including the name of the evaluator; their student/constituent survey selections, including any constituent lists; and the names of PRC members. The TFM shall retain the original report for their evaluation packet and submit a copy to Human Resources.

H.5.4 Classroom or Worksite Observations for Tenured Faculty Members

- **Requirements** - A PRC member, who shall be a discipline expert whenever possible, will conduct an observation of one class session or activity, including pre-observation and post-observation discussion, by the end of week nine of the semester. The observer shall complete an *Observation and Discussion Report* and submit it to the TFM by the end of week ten (10) of the semester.
 - **Pre-observation discussion** - A pre-observation discussion must occur between the evaluating PRC member and the TFM to discuss the specific objectives or goals the TFM will address at the class/activity to be observed. The pre-observation discussion may be in person, by phone, or email. The observer may request course/activity related documents and information, such as syllabi,

sample exams, or other media used in the class section being observed. For non-classroom duties, samples of job-related projects and activities may be requested.

- Post-observation discussion - A post-observation discussion must occur between the evaluating PRC member and the TFM to provide feedback concerning their observations as they relate to the criteria for evaluation. The post-observation discussion must occur within one (1) week of the observation.
- Observation and Discussion Report - the PRC member who completes the observation must complete an *Observation and Discussion Report*. Only documents provided to the PRC member during the pre-observation discussion, observation, or post-observation discussion may be attached to the report. By the end of week ten (10), the observation shall be complete, and the observer shall send the *Observation and Discussion Report* to the TFM for inclusion in the evaluation packet.
- **Additional observations** - Additional classroom or worksite observations may be performed at the request of the TFM.
- **Online Observations** - Observation of online assignments may take place if they are part of the TFM's assigned contract load. The observation length should be at least fifty (50) minutes and does not have to be consecutive in nature.
 - Classroom Faculty: An online observation will include at least one of the following two approaches below, as selected by the TFM, to be used during a week-long observation timeframe:
 - The TFM must authorize student-level access to the evaluating PRC member. The observer may log into the online course and navigate the course.
 - The TFM and evaluating PRC member may schedule a meeting when both parties can access the online course. During this meeting, the TFM may demonstrate and explain the online course to the observer.
 - Non-classroom Faculty: The TFM and evaluating PRC member shall mutually agree upon an appropriate activity to be observed. As appropriate to the selected activity, the TFM may need to obtain advance approval of a student for the observer to participate in the activity.

H.5.5 Student/Constituent Surveys for Tenured Faculty Members

The timing of student surveys may be scheduled over a period time (i.e., range of weeks) and not on a specific day. Surveys shall be completed by the end of week nine (9) of the semester. The TFM may not administer or collect their own student surveys.

- **Classroom Faculty** - a *Student Survey of Classroom Instruction* will be administered in two (2) courses or 40% of the TFM's teaching load (whichever is greater) during the evaluation period. The TFM may elect which courses will be surveyed, including at least two (2) separate preparations where possible. The district shall be responsible for distributing an electronic copy of the student surveys to all students in any course being surveyed.
- **Non-classroom Faculty** - TFM's should seek to obtain a minimum of thirty-five (35) responses from the *Student Survey of Non-Classroom Services*. A TFM with non-classroom duties that do not include substantial direct interaction with students shall be surveyed using the *Faculty/Staff Survey of Non-Classroom Services* by submitting a list of at least thirty (30) individuals to be surveyed. In consultation with the PRC, the TFM may elect to survey additional individuals. The TFM may, in consultation with the appropriate dean, prepare a cover letter to accompany the survey; otherwise, a generic cover letter will be sent in its place. TFM's with atypical non-classroom faculty roles may employ uniquely designed surveys for constituents within or outside the district, with the approval of the PRC chair in consultation with the appropriate dean. The method of delivery for student surveys may be by point of service for individual or group contacts, or electronic.
- **Small Group Instructional Diagnosis (SGID)** - In lieu of traditional student surveys, the TFM may elect for student/constituent feedback through a SGID. A SGID is an observation technique in which a team of two (2) members, who shall not be members of the PRC, lead students in one of the TFM's sections in a guided discussion. The team shall complete an *SGID Team Student Comments Report* and forward it to the TFM for inclusion in their evaluation packet.

H.5.6 Other Evaluation Components for Tenured Faculty Members

- **Individual PRC Report** - Any PRC member may include an *Individual PRC Member Report* describing their personal observations of the TFM that are relevant to the Criteria for Evaluation. PRC members must submit the report to the TFM by the end of week ten (10) of the semester.
- **Professional Growth and Activities Report** - The TFM shall prepare a *Professional Growth and Activities Report* describing their involvement in institutional service, collegial governance, all participation in department or work group or program functioning, and participation in professional activities since the last evaluation or

granting of tenure. The TFM shall have the option to include their FLEX transcripts to demonstrate their participation in professional activities since their last evaluation or granting of tenure. This report shall be completed by the end of week ten (10) of the semester.

- **Self-Study** - The TFM shall complete a succinct, 3 to 5-page, self-study describing how they have met each of the five Criteria for Evaluation specified in section H.1.4. in the performance of their job functions. While those being evaluated must address each of the five major criteria in each evaluation cycle, faculty members may provide a distinctive means of emphasis on the various elements contained under each of the five (5) criteria or additional elements created in relation to professional development goals. Faculty may focus on all elements under each criterion, or a limited number of elements so long as the choices are consistent with their professional growth goals. The self-study should also include a reflection that outlines the TFM's contributions to diversity, equity, and inclusion on an individual, departmental or institutional level. The TFM shall also address any recommendations from their most recent evaluation reports or responses to student/constituent surveys. In addition, the TFM shall assess whether or not they have met the goals identified in the previous evaluation and identify future goals. The *Self-Study* must be submitted by the end of week twelve (12) of the semester with the evaluation packet.
- **Response Reports (Optional)** - TFM's may include responses to any *Observation and Discussion Reports, SGID Team Student Comments Report, or Peer Review Committee Reports*.

H.5.7 Submission of Evaluation Packet

By the end of week twelve (12) of the semester, the TFM is responsible for assembling an evaluation packet that includes:

- Previous evaluation reports with any attached *Assistance Plans, Corrective Action Plans, and Reports of Completion*;
 - A recently tenured faculty member includes the *TRC Report* from the last evaluation cycle.
 - A TFM whose last final recommendation was "Satisfactory" includes the *PRC Report* and other reports from the previous evaluation.
 - A TFM whose last final recommendation was anything other than "Satisfactory" includes all PRC reports received since the last recommendation of "Satisfactory."
- Sample Documents Relevant to the Assignment
 - **Classroom Faculty**: A list of courses taught since the last evaluation, syllabi from two (2) different current semester courses, and representative materials of the teaching and learning environment.

- Non-classroom Faculty: A description of duties performed, and examples of work product related to duties performed, such as education plans, effective integration of instructional media relevant to the assignment, samples of job-related projects and activities. The TFM may also submit any materials that they would like the PRC to consider.
 - Split Assignments: TFM's whose assignment includes both classroom and non-classroom duties will include materials as described above related to both classroom and non-classroom assignments in proportion to the assignment.
- The *Evaluation Schedule Report*;
 - *Observation and Discussion Reports*;
 - Student or constituent survey results, or *SGID Team Student Comments Report* (if applicable);
 - *Individual PRC Reports* submitted to the TFM (if applicable);
 - *Professional Growth and Activities Report*; and
 - *Self-Study*.

The TFM shall upload the evaluation packet to their portfolio and notify the PRC members that it is available for review. All PRC members shall review the packet prior to the PRC evaluation meeting.

H.5.8 Peer Review and Evaluation Meeting

- **Peer Review Meeting** - by the end of week fourteen (14) of the semester, the TFM shall convene and lead the Peer Review Meeting at which the contents of the packet, including strengths and areas of growth, and the TFM's previous and future goals are discussed. All PRC members must be present to hold this meeting.
- **Peer Evaluation Meeting** - by Wednesday of week fifteen (15) of the semester, the PRC shall meet without the TFM present to determine an appropriate summary rating for the evaluation. The *Peer Review Committee Report (PRC Report)* and any *Corrective Action Plans* must be finalized and approved by the PRC within five (5) business days of this meeting. The PRC shall select one of the following evaluation ratings based on the determination of the committee, based on consensus. If consensus is not possible, the determination shall be made by the majority. The PRC may also request to consult jointly with a representative of the district and the Faculty Assembly during the deliberation process to discuss available options. The district representative and Faculty Assembly representative shall not also serve on ARC.

- Satisfactory
- Improvement needed—*Corrective Action Plan* prescribed
- Unsatisfactory

PRC members shall examine and sign the PRC Report.

- **Peer Conversation Meeting** - If the PRC identifies substantial concerns at the Peer Evaluation Meeting, the PRC shall hold a follow-up meeting with the TFM to discuss these concerns, and when appropriate, gets input from the TFM regarding the *Corrective Action Plan*. Updates to the *Corrective Action Plan* may be made at this meeting upon consensus of the PRC. If consensus is not possible, the decision shall be made by majority vote.

All *Corrective Action Plans* must be attached to the PRC Report and specify a date by which the terms of the plan shall be completed. *Corrective Action Plans* shall have a minimum completion time of sixty (60) days and a maximum completion time of one (1) year.

The chair of the PRC shall forward the evaluation packet to Human Resources where it will be securely stored. The TFM shall receive a signed copy of their evaluation packet. A copy of the completed evaluation will be placed in the TFM's personnel file. The TFM has the right to initiate a written response to the evaluation within ten (10) business days following receipt of the PRC report. Any written response shall be signed and dated by the faculty member. The response will be attached to the evaluation report and placed in the faculty member's personnel file.

H.5.9 Assistance and Corrective Action Plans for Tenured Faculty Members

Faculty shall be notified of performance that is unsatisfactory or needs improvement. Evaluations shall enumerate the problem area or areas with specific suggestions for improved performance, and the faculty employee shall be allowed sufficient time to achieve satisfactory performance. *Corrective Action Plans* shall be written and implemented by the PRC to provide guidance to the TFM in correcting notable problems in any area of evaluation.

- **Corrective Action Plans** - If the TFM receives an evaluation rating of "Improvement Needed," the PRC shall prescribe a corrective action plan.
 - If substantial areas of concern still exist at the completion of a *Corrective Action Plan*, the PRC may choose to extend the existing plan or write a new one. The PRC shall direct the TFM to undergo the evaluation process during the next regular academic semester or year. A copy of the evaluation packet must also be forwarded to the appropriate vice president for review.
 - If a *Corrective Action Plan* has been completed in the previous evaluation cycle and problems persist, the PRC may determine that an evaluation rating of "Unsatisfactory" is appropriate.

- An evaluation rating of “Unsatisfactory” may only be made after a *Corrective Action Plan* has been provided to the TFM and after this form of assistance has proven to be unsuccessful.

Each plan should identify specific problem areas, offer concrete suggestions to remedy the problem(s), and specify ways in which success will be measured. These plans should also include a timeline for completion. If appropriate, help from resources both inside and outside the college may be sought.

All *Corrective Action Plans* and, any extensions of these plans, shall be completed before the TFM’s next evaluation.

The TFM shall carry out the terms of any *Corrective Action Plan* by the date specified in the plan. The TFM shall then schedule and lead a meeting with the PRC to discuss whether or not the plan was successfully completed. Following the meeting, the PRC chair shall complete the *Corrective Action Plan Report of Completion*.

The reports of completion shall be included in the TFM’s portfolio and a copy shall be forwarded to Human Resources. The TFM shall sign any reports of completion and may attach a written response statement within ten (10) business days following receipt of the report.

H.5.10 Appeals for Tenured Faculty Members

A TFM may appeal the PRC’s recommendation for a *Corrective Action Plan* or an additional evaluation during the next academic semester/year, or rating of Unsatisfactory.

Appellants shall complete an appeal form and submit it to the ARC chair within ten (10) calendar days of the written notification of the PRC’s recommendation that generated the appeal. The TFM may consult the TREC chair regarding the appeals process.

Within three (3) business days of receipt of the appeal form, ARC shall request the TFM’s complete portfolio for review. ARC members, including alternates, shall each individually review the appellant’s portfolio, except that ARC members who also served on the PRC of the appellant shall not participate in the review or hearing.

ARC hearings shall be held by the end of the second week of the academic semester following the submission of the appeal. All five (5) ARC members or their alternates must be present at any hearing or review.

The hearing shall provide the opportunity for the appellant and the PRC to present all necessary information in support of their position.

Both the appellant and a representative chosen by the PRC have the right to provide a personal presentation of their case to ARC. The position of each party shall be heard separately. The appellant has the right to have a peer representative present in this meeting if they so desire, and this person shall be an observer. The representative of the PRC shall be accompanied by a separate member of the PRC, and this person shall be an observer.

Immediately following the hearing, ARC shall meet without the appellant or PRC representatives present to discuss and make their recommendation to either uphold or overturn the PRC recommendation. The primary basis for ARC's recommendation shall be its determination as to whether the evaluation procedures specified in this Agreement have been properly followed. In making decisions, ARC shall give due consideration to the recommendations of the PRC. In reviewing the appellant's portfolio, each PRC member's input shall be afforded equal consideration. ARC may not consider the opinions of the dean or any faculty peer as more or less important than that of other PRC members.

ARC's recommendation shall be made by consensus whenever possible. Where consensus is not possible, decisions shall be made by majority vote.

ARC may modify or augment *Corrective Action Plans* to ensure clarity, fairness, and equitability in the evaluation process. In cases where ARC modifies or augments an *Corrective Action Plan*, the committee must provide substantial written rationale, and the chair of the committee must provide the PRC with specific written instructions for modification or development of the plan. Valid concerns expressed by the PRC must be addressed by the *Corrective Action Plan*. The ARC chair shall record the committee's recommendation on the appeal form.

The chair of ARC shall notify the appellant and PRC of the outcome of any appeal. A copy of the appeal form, and any written rationale from ARC, shall be forwarded to Human Resources for inclusion in the appellant's personnel file.

H.5.11 Failure to complete evaluation process

In the absence of extenuating circumstances, any TFM who fails to complete the evaluation process within the prescribed timeline shall begin the process again in the immediate subsequent semester. Failure to complete the entire process shall result in the TFM's salary being frozen at the existing salary step until such time as the evaluation process has been successfully completed. No retroactive step increase shall be granted.