

SIDELETTER BETWEEN  
SAN DIEGO COMMUNITY COLLEGE DISTRICT AND  
AFT GUILD, LOCAL 1931 FACULTY BARGAINING UNIT

The Parties agree to the following terms regarding the Faculty Collective Bargaining Agreement, Article XV – Evaluation of Faculty.

**THE PARTIES AGREE TO THE FOLLOWING TERMS:**

1. Parties agree to make the following changes to Article XV – Evaluation of Faculty.

ARTICLE XV - EVALUATION OF FACULTY

All tenured, tenure-track, adjunct, and restricted college faculty are to be evaluated according to the procedures outlined in this Article.

15.1 TENURED/TENURE-TRACK FACULTY

15.1.1 Purposes

The purposes of administrative, peer, and student evaluation of faculty shall be to assess teaching effectiveness, to encourage professional growth, and to make informed decisions regarding retention, tenure, promotion, and salary advancement whenever appropriate. The procedures set forth in this Article XV of this Agreement regarding evaluation and the granting or denial of tenure and/or promotion are intended by the Guild and the District to be applied in such a manner that they will avoid arbitrary and capricious recommendations and decisions.

Evaluation committee members should refer to Article VIII, Sections A4.6 and A4.7, for general standards regarding tenure and promotion.

The parties agree that the addition of language to this collective bargaining agreement regarding online evaluation procedures and instruments does not imply agreement between the parties that online education and classroom-based instruction are the same with respect to factors affecting performance and evaluation of performance. The parties also agree that nothing in this language will be interpreted to mean that one form of instruction (online or classroom-based) is equivalent or non-equivalent, superior, or inferior to the other.

### 15.1.2 Frequency

A comprehensive evaluation will be completed during each of the following full years of service. A full year of service is defined as having worked for at least seventy-five percent (75%) of the evaluatee's assigned academic year, unless expressly contraindicated by another article of this Agreement, or state or federal law. In any case, faculty eligible for promotion shall be expected to meet or exceed the promotional standards outlined in Article VIII of this Agreement in order to be promoted.

- 15.1.2.1 An evaluation shall be completed during each full year of probationary service (four [4] years in most cases). Unless the faculty member has received early tenure, the faculty member's fourth (4<sup>th</sup>) year evaluation will culminate with a recommendation either in favor of both tenure and promotion to Associate Professor, or in a recommendation to deny tenure.
- 15.1.2.2 An evaluation shall be completed during the second (2<sup>nd</sup>) year following the awarding of tenure and every two (2) years hence until promotion to Professor.
- 15.1.2.3 Evaluation for promotion from Assistant Professor to Associate Professor shall occur during the evaluatee's fourth (4<sup>th</sup>) full year of service. Evaluation for promotion from Associate Professor to Professor shall occur during the evaluatee's eighth (8<sup>th</sup>) full year of service. Time worked in a District assignment different from the faculty member's regular assignment will be counted toward the 75% (seventy-five percent) of the work year requirement for the academic year for purposes of promotion.
- 15.1.2.4 An evaluation shall be completed every three (3) years for faculty who hold the rank of Professor.

### 15.1.3 Timelines

- 15.1.3.1 Probationary and promotional evaluations shall be performed during the fall semester without exception unless the unit member is on an approved leave. All other evaluations shall be performed during the spring semester unless an exception is made by the Dean with the approval of the appropriate campus Vice-President in consultation with the Guild Vice-President. In the case where a fall semester promotional evaluation is postponed to the spring, the promotion shall become effective retroactively to the preceding September 1, once the appropriate college committee reviews have taken place during the subsequent fall/spring semesters.

- 15.1.3.2 Evaluation committees shall be convened, and the first committee meeting held, no later than the third week of instruction of the full-term fall or spring semester. All probationary and promotional evaluation committee meetings shall be held in-person. It is strongly recommended but not required that other evaluation committee meetings be held in-person as well.
- 15.1.3.3 Evaluation committee members shall complete their observations, and student evaluations shall be completed, no later than one month prior to the last working day of December.
- 15.1.3.4 All materials, including those provided by the evaluatee, must be submitted and all Evaluation Committee meetings must be completed and the results must be forwarded to the appropriate Vice President no later than ten (10) working days prior to the last working day of December, unless expressly approved by the appropriate Vice President, in consultation with the appropriate Guild tenured/tenure-track vice-president.
- 15.1.3.5 For all non-promotional and non-probationary evaluations, the deadline shall be no later than the last day of the spring semester.
- 15.1.3.6 In cases of probationary and promotional evaluations, and below satisfactory biennial or triennial evaluations, notification that the evaluatee's Performance Review File is complete, including written comments from the Vice President when appropriate, must be forwarded to the appropriate Tenure and Promotion Review Committee (TPRC) by the first day of professional development week of the following semester, unless expressly approved by the appropriate Vice President, in consultation with the appropriate Guild tenured/tenure-track vice-president.
- 15.1.3.7 The recommendations of the TPRC must be forwarded to the appropriate President no later than the first working day of February.

#### 15.1.4 Evaluation Instruments

The comprehensive evaluation of faculty will utilize the Faculty Appraisal Guide with forms, that is referenced in Appendix II of this Agreement, and the procedures delineated herein. A link for accessing the Faculty Appraisal Guide shall be posted on the websites of each of the colleges and the District for access by faculty and administrators. Faculty will be evaluated using the same evaluation instruments whether they teach in the classroom, online, or by using a combination of both instructional modes.

Faculty not covered by one of these forms and/or guides may suggest modifications of the most suitable form, to be approved by the appropriate manager and the Guild. This process may be initiated by either the evaluatee or any of the evaluation committee members.

All tenured/tenure-track faculty members will be required to acknowledge on their evaluation form at the time of signing the summary report that they have participated in the assessment of student learning outcomes and discussions with colleagues stating how they use the results of the assessments to improve student learning by checking all applicable boxes below:

- ☐ Efforts to incorporate teaching and learning practices and curriculum which reflect diversity, equity, inclusion, accessibility, anti-racism, and respect for the diverse backgrounds of students and colleagues;
- ☐ Discussion of outcomes assessment with colleagues at department meetings;
- ☐ Revisions to syllabi;
- ☐ Revisions to course outlines based upon assessment of learning;
- ☐ Revisions to curriculum based upon assessment of learning;
- ☐ Revised institutional materials and/or textbooks;
- ☐ Requested additional resources through program review to improve student learning;
- ☐ Revisions to examinations, course assignments, or class assignments and activities;
- ☐ Participation in the collection of SLO data;
- ☐ Updated program learning outcomes;
- ☐ Pedagogically sound class caps to maximize student success have been discussed with the Dean and/or Department Chair;
- ☐ Increased workload concerns relating to meeting accreditation standards have been discussed with the Dean and/or Department Chair;
- ☐ Other (please specify) \_\_\_\_\_

Faculty evaluation committee members shall not make reference to the foregoing in their evaluation comments or their summary report of the evaluatee.

For distance education or HyFlex assignments, no part of the video or audio recording may be used as part of the faculty member's evaluation process. For synchronous distance education courses, the livestream may be viewed as part of a scheduled observation.

Faculty members teaching a course in a HyFlex modality shall not be evaluated negatively based on conditions unique to the HyFlex modality that would not be applicable in regularly scheduled in-person or distance education modalities.

15.1.5 Student Evaluation: Instruments, Frequency, Review, and Restrictions on Use

- 15.1.5.1 For classroom assignments, mandatory student evaluations, using the official student evaluation instruments (attached to this Agreement in Appendix III) and procedures delineated herein, will be completed by two (2) classes each year (one [1] per semester if possible) for tenured faculty, and by two (2) classes each semester for probationary faculty. The student evaluation instrument will be available electronically. Completed student evaluation instruments from previous semesters will be included in the evaluatee's performance review file (PRF) except for faculty on a triennial evaluation cycle who will only have student evaluation instruments from the previous fall semester. Only the statistical report will be included for evaluations conducted by classes for which grades have not yet been submitted.
- 15.1.5.2 Instructions for how to administer the student evaluations will be sent from the Faculty Evaluation Coordinator to each tenured/tenure-track faculty member each semester. Each tenured or tenure-track member of the faculty shall select two (2) classes to be surveyed. The second class shall be a different preparation, unless the evaluatee has only a single preparation. Each adjunct member of the faculty shall select one (1) class to be surveyed. Only those classes so designated will evaluate the faculty member officially during that particular semester or year.
- 15.1.5.3 The faculty member will be provided with a URL Internet address for students to use and the faculty member will publish the URL at the appropriate place in the online course, no later than the date established by the campus Faculty Evaluation Coordinator. In the College of Continuing Education students may be sent the URL directly.
- 15.1.5.4 The faculty member is not to be present when the evaluations are being completed.
- 15.1.5.6 Student evaluations for non-classroom faculty shall be available to all students who utilize non-classroom services beginning in the third (3<sup>rd</sup>) week of the fall semester and continuing until one set of thirty-five (35) evaluations has been submitted. Probationary non-classroom faculty shall submit two sets of thirty-five (35) student evaluations each year. Online student contacts will be directed to the online evaluation immediately after the online session. Online evaluations will be counted toward the thirty-five (35) student evaluations.

Evaluations shall only be completed by students who have had an opportunity to spend an ample amount of time in direct contact with the faculty member so that the evaluation is meaningful. Students who have only casual contact with the faculty member shall not evaluate the faculty member.

- 15.1.5.7 Online evaluations are submitted directly to the District for processing.
- 15.1.5.8 Once student evaluations have been processed, the File Custodian will retain the Faculty Evaluation statistical reports. These will be placed in the faculty member's PRF.
- 15.1.5.9 As soon as the grade-filing deadline for the semester has passed, the statistical reports and all the original student evaluations will be available for review by the faculty member being evaluated.
- 15.1.5.12 Student evaluations alone never may be used as the sole justification for a decision in summative evaluation, in promotional denial, or in the application of progressive discipline.
- 15.1.5.14 The District will ensure that the Office of Information Technology provides technical support, online instruments, data processing, and summary reports that maintain student anonymity and provide reliable data.

#### 15.1.6 Evaluation Coordination

The evaluation process shall be a collaborative one, and shall be supervised and coordinated at each college by a Faculty Evaluation Coordinator to be mutually agreed upon by the College President and the Guild. The duties of the Faculty Evaluation Coordinator shall include meeting with all new faculty and administrators to review the evaluation system, updating and maintaining the faculty evaluation database, providing appropriate managers with lists of all faculty to be evaluated in each academic year prior to the beginning of each semester, overseeing the scheduling of peer and student evaluation of all faculty, serving as a liaison with administration, providing any formal training necessary and any information requested by raters, and attending to general administrative details. The Faculty Evaluation Coordinator will work under the supervision of the College President or their designee and may reasonably utilize the support services of the College. The Faculty Evaluation Coordinator at each campus, if a faculty member, shall receive a minimum of 30% (thirty percent) reassigned time. The Faculty Evaluation Coordinator at Mesa College shall receive a minimum of 40% (forty percent) reassigned time.

Although the Continuing Education Counselors are generally considered to be part of the credit faculty bargaining unit, for the purposes of this Article, the Continuing Education Counselors will be included under the responsibility of the Continuing Education President. For Continuing Education Counselors, the “appropriate” Vice President and President shall be the Continuing Education Vice President and President; for faculty assigned to the District Office the responsible Vice Chancellor will serve as the “appropriate” President.

For purposes of tenure and promotional review, the Mesa College Tenure and Promotional Review Committee (TPRC) responsibility will include the DSPS Counselors assigned to the District Office.

#### 15.1.7 Evaluation Committee - Composition and General Rules

- 15.1.7.1 Faculty Evaluation Committees shall be composed of the appropriate immediate manager or their designee, the Department/Program Chair or their designee, and a peer evaluator. Retired tenured faculty who are serving in a pro-rata contract capacity may be considered for the peer role. Each evaluation committee member may serve in only one of these roles.

The peer selected in the first year of a probationary faculty member’s evaluation cycle shall endeavor to remain on the evaluation committee for each year of the probationary faculty member’s subsequent evaluation cycles unless the peer is no longer an active District employee. In exceptional cases where this cannot be accommodated, a peer shall be selected from the two remaining potential peers submitted by the evaluatee at the start of their probationary evaluation process.

In every other three (3)-year cycle, starting with the first triennial evaluation, the evaluation committee for Professor triennial evaluations may consist of a peer only, provided there is mutual agreement of the evaluatee and the appropriate manager. In these cases, the dean and chair shall sign the evaluation form as having been received only, without any further commentary, except in the area of responsiveness to administrative requests.

The appropriate manager’s or department chair’s designee must be acceptable to the faculty member being evaluated. If the designee is not acceptable, the appropriate manager or department chair shall serve on the committee. In cases where the evaluatee believes that the appropriate manager or department chair may not be able to perform an objective evaluation due to perceived bias, the evaluatee may ask the appropriate Vice President to consult with the Site Compliance

Officer to determine whether or not the appointment of a replacement of that evaluator from that committee is warranted. The evaluatee's claim of perceived bias must be verifiable with concrete evidence. The burden of proof of alleged bias remains with the evaluatee.

- 15.1.7.2 Hereafter, all references in this Article to "appropriate manager" or "chair" shall be understood to include "or their designee."
- 15.1.7.3 Prior to the first committee meeting, each faculty member who is scheduled for evaluation must submit to their appropriate manager a list of three (3) tenured faculty members acceptable as peer evaluators. The appropriate manager will select one (1) peer evaluator from this list of three (3), in consultation with the Department Chair. If, after written request of the appropriate manager, the faculty member who is scheduled for evaluation fails to submit this list of three (3) peer evaluators within ten (10) working days of the request, the appropriate manager will select the peer evaluator, provided this is done in consultation with the Department Chair. All those recommended or selected as peer evaluators must be willing to serve.
- 15.1.7.4 The peer evaluators must be specialists in the subject area in which the evaluatee teaches or is assigned or in a subject area reasonably related to that in which the evaluatee teaches or is assigned. All peer evaluators must be tenured (or tenure-track, in the cases of adjunct faculty evaluations) or retired faculty serving in a pro-rata capacity and in active status in this District. The subject matter specialist shall have the major role in evaluating the criterion of "Subject Matter Knowledge."
- 15.1.7.5 If there are not three (3) appropriate faculty within the District, the faculty member being evaluated may include in their list of three (3) evaluators, evaluators from outside the District. In such cases, the outside peer evaluator must be a subject area specialist or a specialist in a subject area reasonably related to that in which the evaluatee teaches or is assigned. It will be the responsibility of each campus Faculty Evaluation Coordinator to make the arrangements for external evaluators and to provide training on the evaluation criteria and process.
- 15.1.7.7 Upon request by the evaluatee, a second peer evaluator may serve on the evaluation committee. The evaluatee making the request must submit to their appropriate manager a list of three (3) tenured faculty members as second peer evaluators who all must be willing to serve in this role. The appropriate manager will select one (1) peer



evaluator from the list of three (3) in consultation with the Department Chair. In addition to holding a tenured position, the second peer must hold an assignment within the same or a closely related discipline, whether in this District or at another accredited community college or university.

- 15.1.7.8 In cases where the evaluatee has a split assignment such that they report to more than one manager and/or academic supervisor, the manager/academic supervisor under whom the evaluatee has the greatest percentage of assignment shall be the “appropriate manager.” In the case that the second manager and/or appropriate academic supervisor also wishes to serve on the committee, Sections 15.1.7.1 through 15.1.7.7 above shall again be followed with the second manager and/or appropriate academic supervisor becoming an additional “appropriate manager,” in addition to an additional chair and an additional peer(s) being appointed following these above procedures.

15.1.8 Performance Review Files

**Description**

- 15.1.8.1 All evaluation-related material for all faculty shall be placed in individual Performance Review Files (PRF's) which shall be under the control of the appropriate manager designated by the College President [Please see Article XX]. These materials may be stored electronically with appropriate security measures and restricted access privileges.

**Mandatory Materials**

- 15.1.8.2 The PRF must contain all official evaluation material. Official evaluation-related material consists of: (a) the current "Faculty Appraisal Form" and (b) letters of appraisal from each evaluator. Following the completion of each comprehensive evaluation, the official evaluation documents must be transferred to the official personnel file under the provisions of Article XX of this Agreement.
- 15.1.8.3 The PRF also must contain: (a) the student evaluation statistical reports, and, (b) for those faculty on the promotional track, the original student evaluations (or electronic copy of the written comments sections of the original student evaluations, as per Section 15.1.5.1 of this Article) taken from all student evaluations done within the past four (4) years.

15.1.8.4 In addition to the items specified in Sections 15.1.8.2 and 15.1.8.3 above, the PRF of an evaluatee shall include the following materials:

15.1.8.4.1 Current syllabi (when applicable);

15.1.8.4.2 An updated listing of professional accomplishments which may include, but is not limited to the following information:

- The evaluatee's description of curriculum or program development and teaching or program innovations, if any, implemented during the evaluation period;
- A complete list of all articles, books, papers, works, etc. produced by the evaluatee with dates;
- A complete list of paper presentations, guest lectures, etc. given by the evaluatee with dates;
- A list of professional conferences attended within the preceding four years;
- The evaluatee's description of College and District service as well as professional and public service if any;
- A list of awards, grants, honors, prizes, etc.;

The above listed items in 15.1.8.4.2 may not exceed ten total pages and may not include any embedded links.

15.1.8.4.3 A Self-Evaluation/personal statement by the evaluatee. This self-evaluation should reference the performance standards as they appear on the "Faculty Appraisal Form" and shall be limited to the period since the last evaluation was conducted. The self-evaluation shall state the goals the faculty member set for themselves at the start of the current evaluation cycle, shall explain the extent to which the goals were met, and shall establish goals for the next evaluation cycle. On such a statement, a candidate may wish to explain institutional limitations on their activity (such as no funding for conference travel, no release time for professional improvement, etc.). The self-evaluation must include discussion of professional development activities completed during the evaluation period related to diversity, equity, inclusion, accessibility, anti-racism; efforts to implement strategies to improve student success outcomes and cultural competence; and planned activities for the upcoming evaluation period.

The above self-evaluation/personal statement in 15.1.8.4.3 may not exceed 2,500 words and may not include any embedded links.

### **Discretionary Materials**

The following materials may be submitted by the evaluatee only upon request of the evaluation committee:

- 15.1.8.5 The self-evaluation/personal statement of an evaluatee also may contain reference to any other information and/or documents the evaluatee and the evaluation committee agree are appropriate, provided they have bearing on their position as a faculty member.
  - 15.1.8.5.1 A list and brief description of all courses the evaluatee has taught since initial assignment;
  - 15.1.8.5.2 Course materials (other than syllabi) used within the evaluation period (these could include examples of examinations);
  - 15.1.8.5.3 The evaluatee's description of their teaching methods, along with an explanation of their appropriateness;
  - 15.1.8.5.4 The evaluatee's description of their grading practices;
  - 15.1.8.5.5 A complete list of all teaching materials (such as videos) that are not listed on the submitted syllabi;
  - 15.1.8.5.6 Outside evaluations when appropriate and when requested by the evaluatee.

Faculty teaching in-person and synchronous courses, who utilize Canvas as a repository, shall not be required to provide supplementary material beyond that which is comparable if they were not utilizing Canvas. Faculty teaching in-person and synchronous courses are not required to provide full access to their Canvas shells. Materials which are made available to students shall be made available to the evaluation committee upon request.

### **Review**

- 15.1.8.6 All material submitted by the evaluatee to the official PRF file must be reviewed and considered by all evaluators.

## **Confidentiality**

- 15.1.8.7 A designee of the President, to be known as the "File Custodian," will maintain an "Access Log" for each PRF to insure that confidentiality is guaranteed. Faculty PRF's will be accessible only to: (a) the faculty member being evaluated up until the date of the third committee meeting, (b) evaluation committee members up until the date of the third (3<sup>rd</sup>) committee meeting, (c) the appropriate Vice President, (d) Academic Senate Tenure and Promotional Review Committee members (when appropriate), (e) the College President, and, (f) the CAP (when appropriate).
- 15.1.8.8 File material should be retained for four (4) years. After the materials retention period has passed, the faculty member should be notified that their PRF will be purged of dated material [Please see Article XX for treatment of dated material in Official Personnel Files]. If there is no response within ten (10) business days, all file material more than four (4) years old will be purged.

### **15.1.9 Probationary and Promotional Evaluation Procedures**

#### **First Committee Meeting: Instrument Modification**

- 15.1.9.1 After the evaluation committee has been formed but before any class visits are made in each evaluation cycle, the entire committee shall meet with the evaluatee to discuss the Faculty Appraisal Guide, instrument, and process. The committee shall also agree on the date of the second committee meeting during this meeting. All materials submitted by the evaluatee must be placed in the evaluatee's PRF no later than the date agreed to in the first committee meeting. For tenured triennial evaluations the first meeting may occur electronically upon mutual agreement between the evaluatee and the evaluation committee.

If, after written request of the appropriate manager, the faculty member who is scheduled for evaluation refuses to attend the first or subsequent committee meetings within ten (10) working days of the request, the appropriate manager will convene the evaluation committee and proceed with the evaluation absent the evaluatee.

#### **Class Visits**

- 15.1.9.2 The appropriate manager and Department Chair each will make at least one (1) class, work station, or counseling session visit; peer(s) each will make at least two (2) class, work station, or counseling session visits. Class visits and/or observations shall be of a

minimum of fifty (50) minutes duration and shall be unannounced. The evaluatee should let their committee members know ahead of time if there are certain dates which should be avoided due to exams, field trips, etc.

For online classes, the faculty member who is being evaluated will establish access within the appropriate course Management System for all members of the evaluation committee. Access to the online class sessions will be established at the “Evaluator” level. At the request of the faculty member being evaluated, access may be established at a higher level. Access to the online class will begin at the first committee meeting and will terminate at the second committee meeting. In some circumstances, at the request of the faculty member being evaluated, and in addition to the minimum access to the online class discussed above, the faculty member may request to demonstrate certain features of the online class to the evaluation committee. This type of demonstration, if desired by the faculty member being evaluated, will be arranged during the first evaluation committee meeting.

For asynchronous online classes, class visits will consist of at least 50 minutes of course observation. Parameters for the course observation must be specified during the first committee meeting via mutual agreement between the evaluation committee and the faculty member being evaluated. The course observation will include a course walkthrough via a synchronous meeting or pre-recording, and/or links to specific lectures and/or modules as requested by the evaluation committee within the evaluation time frame determined at the first committee meeting. This evaluation time frame will not exceed the time period between the first and second evaluation committee meetings. At the request of the faculty member being evaluated, broader access to their online course may be established in lieu of providing a synchronous walk-through or lecture/module links. Access will be for a set amount of time agreed upon at the first committee meeting by the faculty member being evaluated and the evaluation committee.

### **Letters of Appraisal**

- 15.1.9.3 After all class visits are completed and evaluation materials are submitted, the appropriate manager will review the evaluatee's performance review file and verify that it is complete. The appropriate manager shall also solicit letters of appraisal from the peer evaluator(s) and the Department Chair, and shall themselves write a letter of evaluation. Each evaluator must ensure that evaluations never will be based upon the evaluatee's identification

with or belonging to a protected class, political beliefs, or lifestyle. Evaluation decisions cannot be based upon factors unrelated to performance of the faculty member's duties. Reviewers must strive to maintain objectivity, and to assure that decisions regarding tenure or promotion do not contravene established principles of academic freedom, appropriate sections of Title 5, and/or Departmental standards. Decisions cannot be based upon any political criteria, nor can they be made arbitrarily, capriciously, or unreasonably.

### **Second Committee Meeting: Data Integration**

- 15.1.9.4 The appropriate manager will convene a second meeting of the evaluation committee on the date agreed upon during the first committee meeting. At that meeting, committee members should agree upon summary ratings and comments and prepare the "Faculty Appraisal Form" referred to in 15.1.4 above. At the conclusion of this meeting, all appropriate items shall be submitted to the evaluatee's PRF, with a copy of these items made available to the evaluatee upon request.

In the event the committee members cannot reach consensus decisions, each shall submit their own appraisal form. In this case, the Tenure and Promotional Review Committee (TPRC) shall complete the summary appraisal form based upon materials in the evaluatee's PRF.

### **Third Committee Meeting: Review and Summary**

- 15.1.9.5 The appropriate manager then will convene a third meeting of the evaluation committee and the evaluatee to review the committee's findings. Subsequent to the second committee meeting and the inclusion of all evaluation materials in the evaluatee's PRF, the dean shall notify the evaluatee that the committee's documents have been submitted and that the evaluatee may inspect their PRF. If the evaluatee wishes to respond to anything that is in the file, they shall be granted ten [10] working days, from the date of the notification, to do so. The response(s) will be included in the file. The third committee meeting will not be held until this ten (10) working day period expires. Based on the evaluatee's response(s), committee members may change their initial appraisal ratings and/or re-write their letters of appraisal.

Upon mutual agreement between the appropriate manager and the evaluatee, the review and summary meeting may be held with the committee immediately following the second committee meeting.

However, electing this option does not preclude the evaluatee from requesting a third meeting following the timelines listed above.

#### **Tenure and/or Promotion Recommendations and Administrative Review**

- 15.1.9.6 After the completion of the third evaluation committee meeting and the resolution of all matters pursuant to it, the appropriate manager will notify the appropriate Vice President of the evaluation committee's recommendations. Such notification shall be in writing.
- 15.1.9.7 The appropriate Vice President may review the candidate's file and may comment on the evaluatee's performance in a letter if they so desire. If the appropriate Vice President writes such a letter, it must be included in the evaluatee's file, and the evaluatee shall be sent a copy and have the right to read the letter and to respond to it within ten (10) working days. The Vice President shall ensure that the evaluatee's response(s) will be included in the PRF.

#### **Tenure and/or Promotion Recommendations and Academic Senate Review**

- 15.1.9.8 The Academic Senates at each of the colleges shall appoint a Tenure and Promotional Review Committee (TPRC) composed of one (1) full Professor from each School (or program in Continuing Education), one (1) faculty EEO representative from that College, who has been certified by the District EEO office. The Faculty Evaluation Coordinator shall also serve on the TPRC as a non-voting member. This committee shall review all tenured/tenure-track, contract renewals, and/or promotional recommendations to see if they are procedurally correct and meet general College and District standards. (Please see Article VIII, Sections A4.7 – A4.8)

The committee shall elect its chair from among these committee members.

- 15.1.9.9 After the faculty member has been evaluated according to the terms of this Article, and, if consensus has been reached, their Committee has made a recommendation regarding retention as a contract faculty member, tenure, and/or promotion, to the appropriate Vice President, the Vice President shall notify the appropriate Academic Senate committee (the TPRC) that the faculty member's PRF is ready for the committee's review.
- 15.1.9.10 The TPRC shall review the candidate's file and then shall recommend either for or against retention as a contract faculty member, tenure, and/or promotion, on the basis of a simple majority

vote. The recommendation of the TPRC must be clear and unambiguous. The chair of the TPRC will only vote in the case of a tie. If a recommendation of the TPRC contradicts that of the candidate's Evaluation Committee, reasons supporting the recommendation must be expressed in writing. The committee then will forward its recommendations to the President and the evaluatee.

### **Tenure and/or Promotion Decisions**

- 15.1.9.11 The President will make a recommendation regarding the tenure status (and, when appropriate, the promotional status) of the faculty member to the Board of Trustees through the Chancellor, and will send a copy to the evaluatee. The evaluatee shall have the right to submit a written response.

If the candidate is awarded tenure and/or promotion, their future salary step advancement and rank advancement henceforth will be governed under the terms of Article VIII, A4.1 and A4.7.5 respectively.

- 15.1.9.12 If a probationary candidate does not meet standards for tenure, they may be terminated in accord with state law. The faculty member shall have the right to appeal their termination to the Committee on Academic Personnel (CAP) under the terms of Article XV, Section 15.1.10 of this Agreement.

### **15.1.10 Contract Renewal, Tenure and/or Promotion Denial, Retention as a Regular Employee: Appeals**

- 15.1.10.1 If a tenure-track contract renewal, tenure, or promotional decision of a College President is negative, the faculty member in question may appeal the decision to the Committee on Academic Personnel CAP (as described in Article VIII -Salary, Section A6.0) within five (5) working days of notice from the College President.
- 15.1.10.2 In each case of appeal, the appropriate Vice President's office shall forward the evaluatee's file to the Chair of the CAP.
- 15.1.10.3 The file will be available for examination by each member of the CAP prior to the convening of the CAP meeting.
- 15.1.10.4 The CAP shall begin the appeal review process within fifteen (15) working days of the receipt of a written request by a faculty member to the Chair of the CAP. CAP members will individually review the appellant's file in a timely manner. If necessary, CAP may request additional information from prior reviewers. The CAP may ask for a



personal presentation by the appellant and, if they so desire, an official representative. If a personal presentation is made by either the appellant or the appropriate manager CAP must also ensure a personal presentation by both the appellant and the appropriate manager takes place. Appellant and manager presentations shall be conducted without the other party present. Following the presentations, the committee shall review and discuss all evidence – documented and testimonial. Members will maintain evaluator confidentiality throughout the review process. All CAP recommendations shall be made after all submitted materials have been reviewed by all committee members, all presentations by appellant and manager have concluded, and only when the entire membership is present or represented. Each member's vote must be based only upon the evidence presented and the statements delivered. The committee's decision will be by a simple majority vote. In cases of promotional appeals only, if the CAP is unable to reach a majority decision, the appeal shall be submitted first to mediation as delineated in Article IV, Grievance, Section 4.3. If a satisfactory resolution is not obtained via this mediation step, the appeal shall be submitted to arbitration following the Step 3 procedures of Article IV, Grievance, Section 4.2.

All CAP decisions will be explained in writing and submitted to the evaluatee by the chair of the CAP.

- 15.1.10.5 CAP recommendations regarding appeals of denials of tenure-track contract renewal, tenure, or promotion will be forwarded to the Chancellor for final action. In the event that the Chancellor's final decision is to deny promotion, said denial shall be in writing and shall be accompanied by written suggestions for improvement.

In the event that the Chancellor's final decision overturns the recommendation of the Faculty Evaluation Committee which was to deny a tenure-track contract renewal, or to deny tenure and/or promotion, the Faculty Evaluation Committee must complete a "Faculty Evaluation Development Plan" following the procedure in Article 15.1.11 below.

In the event that the Chancellor's final decision is to deny tenure, their decision shall be forwarded to the Board of Trustees for final action. If the Board's action is to deny tenure, the faculty member shall have the right to proceed to appeal as specified in the Education Code.

#### 15.1.11 Development Plans

- 15.1.11.1 The Evaluation Committee must complete a "Faculty Evaluation Development Plan" (FEDP) whenever its decision is to recommend a denial of a promotion to Professor, when the committee's overall summary rating is less than satisfactory for a tenured member of the faculty, or when the Chancellor's final decision overturns the recommendation of the Faculty Evaluation Committee which was to deny contract renewal, or to deny tenure and/or promotion.
- 15.1.11.2 Any time factors militating against promotion are observed, those factors must be identified specifically and a constructive process must be identified in order to assist faculty to meet expectations. Specific suggestions detailing what a faculty member needs to do to meet expectations must be made in a timely fashion.
- 15.1.11.3 When an FEDP is completed by evaluators, the faculty member's progress toward reaching their developmental goals will be discussed via a "follow-up" evaluation process. The follow-up evaluation process will take place during the subsequent fall semester regular evaluation cycle and will follow the same procedures as the standard procedure requires. The evaluation committee which created the FEDP will maintain its original composition throughout the follow-up process, unless a change is expressly approved by the appropriate Vice President, in consultation with the appropriate Guild tenured/tenure-track Vice President.
- 15.1.11.4 If after the "follow-up" evaluation cycle the evaluation committee agrees that remedial expectations have been met, the FEDP will not become part of the faculty member's official personnel file. If the evaluation committee decides that remedial expectations have not been met, the FEDP and the "follow-up" report will become part of the faculty member's official personnel file, and they will be notified of such in accordance with the procedures specified in Article XX, Personnel Files.
- 15.1.11.5 The failure to meet remedial expectations by the time of the "follow-up" report and the entering of that information in the faculty member's official personnel file shall be considered as an "unsatisfactory" evaluation. An unsatisfactory evaluation will result in the faculty member's salary being "frozen" at their current step, under the terms of Article VIII, Section A4.1 above. As soon as remedial suggestions have been met (as determined by a positive outcome during a subsequent evaluation cycle), the faculty member will begin again to advance in annual step increments, effective the

first day of the next pay period. Promotional step advancement will be effective the following fall semester. The evaluation process will repeat yearly until remedial suggestions have been met, or, in cases of tenure-track faculty, the faculty member has received a final denial or approval of tenure.

15.1.12 Tenure and/or Promotion: Notification

Candidates for tenure and/or promotion will be notified of pertinent action in writing by the Chancellor or designee.

15.1.13 Non-Promotional Evaluation Procedures for Tenured Faculty

Non-promotional evaluation procedures for tenured faculty shall follow all of the preceding sections of this Article XV, with the exception of Sections 15.1.9.8 through 15.1.9.12, and Section 15.1.10. If the faculty member being evaluated chooses to appeal an unsatisfactory evaluation as defined in Section 15.1.11.5, then Sections 15.1.9.8 through 15.1.9.12, and Section 15.1.10 shall apply.

15.2 ADJUNCT FACULTY EVALUATIONS (including pro-rata faculty from Article XVII)

The comprehensive evaluation of faculty will utilize the Faculty Appraisal Guide with forms that is referenced in Appendix IV of this Agreement, and the procedures delineated herein. A link for accessing the Faculty Appraisal Guide shall be posted on the websites of each of the colleges and the District for access by faculty and administrators. Faculty will be evaluated using the same evaluation instruments whether they teach in the classroom, online, or by using a combination of both instructional modes.

Faculty not covered by one of these forms and/or guides may suggest modifications of the most suitable form, to be approved by the appropriate manager and the Guild. This process may be initiated by either the evaluatee or any of the evaluation committee members.

15.2.1 An adjunct faculty member must be peer evaluated within the first year of employment within each discipline they hold an assignment within each college, at least once every six (6) regular semesters thereafter, and within two (2) semesters of qualifying for Priority of Assignment (POA). It is also recommended that all adjunct faculty be evaluated during their first semester of any new assignment. However, failure to evaluate an adjunct faculty member as per the aforementioned timelines has no impact on their POA eligibility.

15.2.2 There will be at least one (1) class visit of a minimum of fifty (50) minutes duration during each evaluation cycle. Class, work station, or counseling session visits will be made by a peer evaluator who is a subject matter expert in the appropriate discipline area, as defined in Articles 15.1.7.4 and 15.1.7.5.

Observation visits shall be unannounced. The evaluatee should let their committee members know ahead of time if there are certain dates which should be avoided due to exams, field trips, etc.

For online classes, the faculty member who is being evaluated will establish access within the appropriate course Management System for all members of the evaluation committee. Access to the online class sessions will be established at the “Evaluator” level. At the request of the faculty member being evaluated, access may be established at a higher level. Access to the online class will begin following their initial meeting with their peer evaluator and will terminate subsequent to their final meeting. In some circumstances, at the request of the faculty member being evaluated, and in addition to the minimum access to the online class discussed above, the faculty member may request to demonstrate certain features of the online class to the evaluation committee.

For asynchronous online classes, class visits will consist of at least 50 minutes of course observation. Parameters for the course observation must be specified during the first meeting via mutual agreement between the peer evaluator and the faculty member being evaluated. The course observation will include a course walkthrough via a synchronous meeting or pre-recording, and/or links to specific lectures and/or modules as requested by the evaluation committee within the evaluation time frame determined at the first meeting. At the request of the faculty member being evaluated, broader access to their online course may be established in lieu of providing a synchronous walk-through or lecture/module links.

The appropriate manager (or their designee) will be added as a member of the evaluation committee during the two semester period prior to the adjunct faculty member qualifying to participate in the POA program. Subsequent to gaining POA rights, the appropriate manager may elect to participate as a member of the evaluation committee in addition to the peer.

The evaluatee will provide to their evaluator(s): current syllabi (when applicable), an updated listing of professional accomplishments, a list of all courses or assignments the evaluatee has completed since their last evaluation, course materials such as examples of examinations, or other materials the evaluatee deems appropriate relating to their professional development since their last evaluation.

- 15.2.3 Each adjunct member who is scheduled for evaluation will be asked to submit, at their discretion, a list of three (3) tenured and/or tenure-track faculty members within the District acceptable as peer evaluators to their appropriate manager via their Department or Program Chair. If there are not three (3) appropriate faculty within the District, the faculty member being evaluated may include in their list of three (3) evaluators, evaluators from outside the District. In such cases, the

outside peer evaluator must be a subject area specialist or a specialist in a subject area reasonably related to that in which the evaluatee teaches or is assigned. The appropriate manager will select the peer evaluator from this list of three (3), in consultation with the Department or Program Chair. If none of these three (3) is acceptable, the appropriate manager may select an alternate, provided this is done in consultation with both the Department Chair and the adjunct evaluatee. If the adjunct evaluatee does not submit names of acceptable peer evaluators in a timely manner, the appropriate manager, in consultation with the Department Chair, shall select a peer evaluator. All those recommended or selected as peer evaluators must be willing to serve.

- 15.2.4 The peer evaluator (and the appropriate manager if applicable) will write a letter of appraisal in addition to completing the evaluation instrument attached to this Agreement in Appendix II. Copies of the instruments shall be provided to all adjunct faculty prior to their peer evaluation.
- 15.2.5 Student evaluations, using the forms attached to this Agreement in Appendix III, will be completed at least once during the first term of assignment. Student evaluations will be completed during the first semester of assignment and at least once during every three (3) semesters within each discipline they hold an assignment within each college. The adjunct faculty member may request more frequent student evaluations. If an additional off-cycle evaluation is scheduled, student evaluations may be scheduled during the same semester the peer evaluation takes place if sufficient notice was not given to complete these evaluations one semester prior.
- 15.2.6 The student evaluation statistical report(s), the letter of appraisal, items delineated in section 15.1.14.2, and the evaluation instrument will be reviewed by the faculty member's Department Chair, peer, and their appropriate manager. The appropriate manager and chair shall sign the evaluation form as having been received only, without any further commentary, except in the area of responsiveness to administrative requests. The letter of appraisal shall include a recommendation to the appropriate manager regarding the desirability of future assignment for the adjunct faculty member.
- 15.2.7 The results of the peer evaluation, student evaluation statistical reports, and Chair and appropriate manager reviews must be made available to the adjunct faculty member in a timely manner. The adjunct faculty member shall be provided a copy of the evaluation form and any letters of appraisal at the conclusion of the evaluation process.
- 15.2.8 At the request of the adjunct faculty member, a meeting must be held with the peer, Department Chair, and/or appropriate manager to discuss the contents of the evaluation file and to answer questions. A meeting also may be held at the discretion of the appropriate manager in consultation with the Department Chair in the absence of a request from the adjunct faculty member.

- 15.2.9 The appropriate manager shall maintain a file of each adjunct faculty member's evaluation materials during the adjunct faculty member's active assignment, and for a period of eighteen (18) months following the conclusion of the adjunct faculty member's final assignment. If the adjunct faculty member returns to active status during the eighteen (18) month period, the evaluations shall be maintained in the file.
- 15.2.10 In the case of multiple assignments in different disciplines or campuses, each discipline/campus will follow the procedures outlined in 15.1.14.1 through 15.1.14.9 above.

15.3 TENURED/TENURE-TRACK/ADJUNCT FACULTY EVALUATION  
COMPENSATION

- 15.3.1 Evaluation of all faculty shall be scheduled by the respective appropriate manager in consultation with the appropriate Department Chair and under the terms of the relevant preceding sections of this Article XV.
- 15.3.2 If requested, each tenured faculty member will be expected to complete a maximum of three (3) evaluations during the academic year. These three (3) evaluations can be any combination of tenure-track/tenured faculty and/or adjunct faculty.
- 15.3.3 If a faculty member participates in more than three (3) evaluations during any academic year, they will be compensated. Compensation shall be at the faculty member's non-classroom rate, and shall be three (3) hours per adjunct evaluation and five (5) hours per tenure-track/tenured faculty evaluation. Faculty who agree to participate in the evaluations of colleagues at other District campuses or who must return to their own campus after the conclusion of their normal work day shall be paid their mileage expenses according to the District's standard mileage allowance.

**General Terms:**

2. This Agreement is effective July 1, 2024, to June 30, 2026.
3. This Agreement contains the complete understanding of the Parties with respect to the entire subject matter hereof. No representations, oral or otherwise, express or implied, other than those contained herein have been made by any party hereto.
4. Any modification of this Agreement must be in writing and signed by the Parties. No oral modifications shall be effective to vary or alter the terms of this Agreement.

5. If any provision of this Agreement is held to be void, voidable or unenforceable, the remaining provision of the Agreement shall remain in full force and effect.
6. This Agreement may be executed in on or more counterparts with the same force and effect as if executed in a single, complete document.

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Jared Burns, Vice Chancellor of  
People, Culture, and Technology Services

\_\_\_\_\_  
Jim Mahler, President  
AFT Guild, Local 1931

Date: 8/6/24\_\_\_\_\_

Date: \_\_\_\_\_