

ARTICLE 42, TENURE REVIEW AND EVALUATION OF CONTRACT (PROBATIONARY) FACULTY

A. The purpose of a probationary period is to give contract faculty members who are candidates for tenure the opportunity to demonstrate that they meet the needs and expectations of the college and are performing at a level that warrants the granting of tenure. As a consequence, tenure review is, in a sense, the conclusion of the selection process: continued review and rigorous evaluation leading to a recommendation to the Board of Trustees on whether to employ an individual as a permanent, tenured member of the faculty.

B. Tenure Review Committee

1. Within twenty working days of a contract faculty member's first day of service at the college in a probationary position, the President or his or her designee shall appoint a tenure review committee to supervise the contract faculty member's tenure review and to evaluate his or her performance. Except as provided in Section B.2 and 3, the committee shall consist of:

a. the appropriate Department Chair who, if he or she is not tenured, shall be a non-voting member of the committee;

b. the appropriate Department Chair's designee, but only in the case where the Chair is not tenured;

c. two tenured faculty members, one of whom shall be selected by the contract faculty member, and one of whom shall be chosen by the department (if neither of these faculty members is in the contract faculty member's discipline, a third tenured faculty member from the contract faculty member's discipline shall be chosen by the department);

d. a tenured faculty member from a department other than the contract faculty member's department selected by the Academic Senate, who shall be a non-voting member of the committee; and

e. the appropriate Vice President or his or her designee, who shall be a non-voting member of the committee.

The Vice President or Department Chair may name as a designee to serve on the committee anyone who is an academic administrator or tenured faculty member at the college.

2. If the Department Chair is the contract faculty member being reviewed for tenure, the tenure committee shall consist of:

a. an appropriate administrator selected by the President;

b. two tenured faculty members, one of whom shall be selected by the Department Chair, and one of whom shall be chosen by the department (if neither of these faculty members is in the Department Chair's discipline, a third tenured faculty member from the Department Chair's discipline shall be chosen by the department) ; and

c. a tenured faculty member from a department other than the Department Chair's department selected by the Academic Senate, who shall be a non-voting member of the committee.

3. For a contract faculty member who is an ISA or Consulting Instructor, or who is a College Nurse, the tenure review committee consist of:

a. an appropriate supervisor selected by the President in place of the Department Chair;

b. two tenured faculty members from reasonably related disciplines, one of whom shall be selected by the contract faculty member, and one of whom shall be jointly selected by the Vice President and the AFT Chapter President;

c. a tenured faculty member from a department other than the contract faculty member's department selected by the Academic Senate, who shall be a non-voting member of the committee; and

d. the appropriate Vice President or his or her designee, who shall be a non-voting member of the committee.

4. To the extent practicable, the membership of the tenure review committee shall remain constant throughout the contract faculty member's probationary period. However, a committee member shall be replaced if he or she:

a. resigns, retires, or becomes unavailable for continued service on the committee for any other reason;

b. will be absent on a leave of absence for one semester or more; or,

c. in the case of the Department Chair or Vice President vacates his or her assignment as Department Chair or Vice President. Whenever a committee member needs to be replaced, the President or his or her designee shall promptly appoint a replacement by following the appointment process applicable to the replacement member's predecessor.

5. Once appointed, the tenure review committee shall elect one of the tenured faculty members on the committee to serve as its chairperson. The role of the chairperson shall be to convene meetings of the committee, prepare meeting agendas, preside at committee meetings, and maintain a tenure review file consisting of all of the documents and other materials that are relevant to the process and that need to be preserved.

6. As one of its initial acts, the tenure review committee will meet with the contract faculty member to review the tenure review process and to discuss, in general terms, how it will be conducted.

C. First-Year Evaluation and Recommendation

1. As provided in Education Code Section 87605, "a faculty member shall be deemed to have completed his or her first contract year if he or she provides service for 75 percent of the first academic year." As a consequence, if a contract faculty member's service as a probationary employee begins during the spring semester, his or her service during that academic year does not count as his or her first contract year for the purposes of tenure review, and he or she shall receive a first-year evaluation during the following fall semester.

All other contract faculty members shall receive their first-year evaluation during the fall semester of the academic year during which they first served as a probationary employee.

2. Before commencing the first year evaluation, the tenure review committee shall prepare a recommended plan for the evaluation that anticipates the need to submit all required recommendations and supporting materials in a timely fashion so that the Board can act before March 15, and that specifies:

a. The materials it intends to request from the contract faculty member (for example: self-evaluation materials; representative course syllabi; sample class assignments, tests, or exercises; selected course handouts; or other relevant work products.)

b. The extent to which it intends to collect data from students, peers, administrators or other individuals using the data collection instruments set forth in Appendix C;

c. Whom it intends to charge with the responsibility of collecting the data, whether a member of the committee or not; and

d. A general schedule under which the committee intends to complete its work.

3. Notwithstanding anything in Section C.2 to the contrary, the evaluation plan shall provide for appropriate peer observation of the contract faculty member; student evaluations, where relevant; and preparation of a tenure review portfolio by the contract faculty member, which shall be maintained and built upon by the faculty member throughout his or her probationary period. The portfolio shall include relevant materials specified by the tenure review committee such as: course syllabi; class handouts; exams, test and quizzes; and other materials that document curriculum development or service improvement activities, professional development or research activities, professional contributions to the department or college, publications, community service, awards and honors, etc.

4. Before adopting a final version of its recommended evaluation plan, the committee shall share a draft of the plan with the contract faculty member and solicit his or her comments. Once it adopts a final recommended plan, the committee shall send a copy of the recommended plan to the Vice President for review and approval. If the Vice President does not approve the plan, he or she shall return it to the tenure review committee with an explanation of the revisions needed to obtain approval. When the Vice President does approve the recommended plan, he or she shall indicate his or her approval on the plan and return it to the committee with a copy to the contract employee.

5. At the conclusion of its data gathering, the tenure review committee shall review all of the data collected as part of the evaluation plan. Based on that information, the committee shall complete an appropriate comprehensive evaluation summary using an appropriate summary form (see Appendix C). For each applicable performance category listed on the form, the committee shall:

a. prepare a brief narrative assessment of the contract faculty member's performance that reflects the committee's analysis of the data it collected; and

b. assign one of the following ratings: exceeds expectations, meets expectations, needs improvement.

The committee shall also include its recommendation as to whether the faculty member's overall performance should be rated as satisfactory, needs to improve, or unsatisfactory.

6. As a part of the comprehensive evaluation summary the tenure review committee shall also include recommendations to the contract faculty member regarding actions he or she should consider to maintain or improve his or her progress towards achieving tenure.

7. If the members of the committee do not agree on the content of the comprehensive evaluation summary, the tenure review committee shall provide for dissenting views to be documented and included as a part of the summary.

8. The tenure review committee shall forward the comprehensive evaluation summary to the contract faculty member for his or her comment. If the faculty member submits comments, the committee shall review them and take any additional action it determines to be appropriate in light of the comments. Thereafter, it shall forward the completed evaluation file (including the evaluation plan, the data collection instruments the committee relied upon in preparing the evaluation, the comprehensive evaluation summary, and any other relevant documents) to the Vice President or his or her designee. If the contract faculty member declines to comment, or fails to comment within five working days of the date on which the committee sent the summary to the faculty member, the tenure review committee shall forward the completed evaluation file (including all of the materials referenced above) to the Vice President or his or her designee.

9. Based solely on the comprehensive evaluation summary and the accompanying materials in the evaluation file the Vice President or his or her designee shall either:

a. complete the evaluation by formally accepting the tenure review committee's evaluation summary; or

b. return the evaluation to the tenure review committee with a written explanation of the reasons he or she declined to accept the evaluation, and comments regarding proposed steps the committee should take to remedy the problems he or she perceived.

10. If the Vice President or his or her designee declined to accept the evaluation and instead returned it to the tenure review committee, the following shall occur:

a. The tenure review committee shall review the explanation of the reasons the evaluation was not accepted and consider the proposed steps to remedy the problems the Vice President or his or her designee perceived with the evaluation. If the committee determines that additional actions are necessary to enhance or improve the evaluation in light of the explanation and comments from the Vice President or his or her designee, it shall take those actions. It may also revise, correct, or amend the evaluation summary in any way it determines is appropriate.

b. Once the tenure review committee has completed any actions it determined to be necessary to enhance or improve the evaluation and made any revisions, corrections or amendments to the evaluation summary it determined to be appropriate, it shall again forward the evaluation summary (with a written statement of the actions it took, if any) to the contract faculty member for his or her comment. If the faculty member declines to comment, or fails to comment within five working days of the date on which the committee sent the summary to the faculty member, the tenure review committee shall forward the evaluation summary to the Vice President or his or her designee.

c. Upon receiving the evaluation summary, the Vice President or his or her designee shall complete the evaluation by formally accepting the tenure review committee's evaluation summary.

11. Once the Vice President or his or her designee has completed the evaluation by formally accepting the tenure review committee's evaluation summary, he or she shall deliver the evaluation summary to the contract faculty member and place a copy of it in the faculty member's tenure review file.

12. The completed evaluation, when delivered to the contract faculty member by the Vice President, shall be accompanied by written advice that the faculty member has the right to submit a written comment regarding the evaluation. If the faculty member chooses to submit a comment, it shall be appended to the copy of the evaluation contained in the faculty member's tenure review file.

13. At the same time it forwards the completed first-year evaluation file to the Vice President or his or her designee, the tenure review committee shall forward its recommendation regarding the contract faculty member's continued service. Based solely on the comprehensive evaluation summary and the accompanying materials in the evaluation file, the tenure review committee shall, except under the circumstances described in Section G.4, recommend one of the following two actions: that the contract faculty member be given notice by the Board that he or she will be employed for the following academic year as a second year contract faculty member, or that the contract faculty member be given notice he or she will not be employed for the following academic year.

D. Second-Year Evaluation and Recommendation

1. Each contract faculty member shall be evaluated during the fall semester of his or her second contract year. As a continuation of the tenure review process, the evaluation shall cover the entire period since the contract faculty member's last evaluation, not just his or her performance during the fall semester.

2. The second-year evaluation shall be conducted in the manner specified in Sections C.2 through C.12, with the addition that, as a part of the evaluation, the tenure review committee shall review the contract faculty member's prior evaluations and inquire into the nature and extent of the faculty member's response to the recommendations contained in those evaluations.

3. At the same time it forwards the completed second-year evaluation file to the Vice President or his or her designee, the tenure review committee shall forward its recommendation regarding the contract faculty member's continued service. Based solely on the comprehensive evaluation summary and the accompanying materials in the evaluation file, the tenure review committee shall, except under the circumstances described in Section G.4, recommend one of the following two actions: that the contract faculty member be given notice by the Board that he or she will be employed for the following two academic years as a contract faculty member, or that the contract faculty member be given notice he or she will not be employed for the following academic year.

E. Third- and Fourth-Year Evaluations and Recommendation

1. Each contract faculty member shall be evaluated during the fall semester of his or her third contract year, and again during the fall semester of his or her fourth contract year. As a continuation of the tenure review process, each evaluation shall cover the entire period

since the contract faculty member's last evaluation, not just his or her performance during the semester in which the evaluation is conducted.

2. The third- and fourth evaluation shall be conducted in the manner specified in Sections C.2 through C.12, with the addition that, as a part of the evaluation, the tenure review committee shall review the contract faculty member's prior evaluations and inquire into the nature and extent of the faculty member's response to the recommendations contained in those evaluations.

3. During the third contract year the tenure review committee shall not forward any recommendation regarding the contract faculty member's continued service, but during the fourth contract year, at the same time it forwards the completed fourth-year evaluation file to the Vice President or his or her designee, the tenure review committee shall forward its recommendation as to whether the Board should notify the faculty member that he or she will be employed for all subsequent academic years as a tenured faculty member, or that he or she will not be employed for the following academic year.

F. Administrative Evaluations

1. At any time during a contract faculty member's probationary period, the President or his or her designee may initiate an administrative evaluation if:

a. the contract faculty member requests an administrative evaluation; or

b. an evaluation conducted pursuant to Sections C.2 through C.12 discloses identifiable issues about the contract faculty member's performance that the President reasonably determines warrants further review and documentation through an administrative evaluation; or

c. the contract faculty member's tenure review committee recommends an administrative evaluation (which the committee may do at any time it determines such a recommendation to be appropriate); or

d. the President determines that an administrative evaluation is appropriate to review events or circumstances that could lead to formal disciplinary action under Education Code Section 87732 (in which case the evaluation, once completed, shall be deemed to have served the purposes specified in Education Code Section 87671). Any administrative evaluation initiated under Subsection F.1.a or F.1.b shall be commenced within thirty working days of the completion of the evaluation, or receipt of the tenure review committee's recommendation to conduct the evaluation, whichever is relevant. Furthermore, it shall be concluded within forty-five working days after it was commenced.

2. If the administrative evaluation follows an evaluation conducted pursuant to Sections C.2 through C.12, or was initiated upon the recommendation of the tenure review committee, the Vice President or his or her designee shall solicit input from:

a. the tenure review committee;

b. appropriate individuals the contract faculty member identifies as having relevant information about his or her performance; and

c. any others the Vice President or his or her designee believes should have relevant information about the performance of the faculty member.

All such input shall be considered by the Vice President or his or her designee before he or she completes the administrative evaluation.

3. The Vice President or his or her designee may, if it is appropriate to the evaluation, observe the contract faculty member as he or she teaches or performs his or her other duties, conduct student evaluations, or collect relevant data through other appropriate data collection methods.

4. The administrative evaluation shall be recorded on the appropriate administrative evaluation form (see Appendix C). Once the Vice President or his or her designee has completed the form, he or she shall deliver the evaluation to the contract faculty member and place a copy of the form in the faculty member's personnel file.

5. The completed administrative evaluation, when delivered to the faculty member by the Vice President, shall be accompanied by written advice that the faculty member has the right to submit a written comment regarding the evaluation. If the faculty member chooses to submit a comment, it shall be appended to the copy of the administrative evaluation contained in the faculty member's personnel file.

G. Recommendations to the Board

1. Before March 15 of each contract faculty member's first, second and fourth contract years, the President shall forward the recommendation of the faculty member's tenure review committee regarding the contract faculty member's continued service, along with the President's recommendation regarding that matter. The President's recommendation shall be based solely on the tenure review committee's comprehensive evaluation summaries, accompanying materials in the evaluation file, and any administrative evaluations that were performed.

2. Except as provided in Section G.4, below, any recommendation forwarded during a contract faculty member's first contract year shall be a recommendation to notify the faculty member that:

a. he or she will be employed for the following academic year as a second year contract faculty member, or that

b. he or she will not be employed for the following academic year.

3. Except as provided in Section G.4, below, any recommendation forwarded during a contract faculty member's second contract year shall be a recommendation to notify the faculty member that:

a. he or she will be employed for following two academic years as a contract faculty member, or that

b. he or she will not be employed for the following academic year.

4. Notwithstanding Sections G.2 and G.3, the President may, during a contract faculty member's first or second contract year, recommend that the faculty member be employed for all subsequent academic years as a tenured faculty member, but only in extraordinary circumstances where that recommendation has been initiated by the tenure review committee on the basis of documented evidence that the contract faculty member is performing at a level that warrants the granting of early tenure, and the President finds that

there are clear and compelling reasons to conclude that the action will be in the best interests of the college. No recommendation made pursuant to this section, and no action accepting or rejecting any such recommendation, shall be grievable.

5. Any recommendation forwarded during a contract faculty member's fourth contract year shall be a recommendation to notify the faculty member that:

a. he or she will be employed for all subsequent academic years as a tenured faculty member, or that

b. he or she will not be employed for the following academic year.

H. Mentors

1. A mentor shall be designated for any contract faculty member who requests one. When a contract faculty member requests a mentor, the Vice President shall consult with the contract faculty member and his or her Department Chair to identify an appropriate mentor, who can be any tenured faculty member who is employed at any of the colleges within the District.

2. A tenured faculty member may serve as a mentor to more than one contract faculty member, but since effective mentoring often requires the investment of an extensive amount of time and effort, a single faculty member should not generally be designated as a mentor for more than two contract faculty members at any time.

3. Service as a mentor shall not be considered an adjunct assignment under Article 16, nor shall it be counted towards the limitation on adjunct assignments specified in Article 13.C. Nevertheless, for each full year that the mentoring relationship continues, each mentor shall receive \$450 per mentee as partial recognition for his or her service as a mentor.

4. During the period of mentoring, the mentor shall consult and interact with the contract faculty member for the purposes of enhancing the contract faculty member's effectiveness and ability to perform his or her basic duties, and encouraging the contract faculty member's professional growth. All mentors shall adhere to any mentoring guidelines adopted by the college.

I. Effective Date

These procedures became effective for contract faculty members initially employed in probationary positions on or after July 1, 2002. For all other contract faculty members, the tenure review procedures in effect under the 1999-2002 Agreement between the parties remained in effect.