

1 **TENURE CANDIDATES**

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3 **ARTICLE H: EVALUATION AND TENURE REVIEW**

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5 ***H.1.0 General Evaluation Principles***

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

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

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14 The terms of this Article shall be effective for all faculty undergoing tenure review or  
15 evaluation in the fall 2018 semester or later. Any tenure plans, assistance plans or  
16 corrective action plans written before fall 2018 shall remain in effect and are not altered  
17 by this Article.

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20 ***H.1.1 Confidentiality***

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

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

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32 ***H.1.2 Evaluation Schedule***

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

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36 • **Contract faculty** (referred to in evaluation procedures as “tenure candidates” or  
37 “candidates”): at least once every academic year.  
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39 • **Regular faculty** (referred to in evaluation procedures as “tenured faculty”): at  
40 least once every three academic years.  
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42 • A process for evaluation of temporary full-time faculty will be negotiated in 2019-  
43 2020.  
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46 **H.1.3 Timelines, deadlines, exceptions and voting**

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48 The timelines and deadlines established in this Article shall be observed in the tenure  
49 review and evaluation processes. Steps in these timelines may be completed prior to  
50 the listed deadlines as long as they are completed in sequential order.

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52 If extenuating circumstances exist, written appeals for timeline extensions outlining the  
53 reasons and conditions for the request may be made to the appropriate vice president in  
54 consultation with the Faculty Assembly president. Whenever possible, the appropriate  
55 vice president or designee shall respond to the request within two (2) working days,  
56 stating reasons for either granting or denying the request. The approval or denial of a  
57 request for a timeline extension must be documented in the evaluation packet of the  
58 affected faculty member and communicated to the Tenure Review Committee (TRC)  
59 chair or the Peer Review Committee (PRC) chair, as appropriate. No exceptions may  
60 be made to the March 15 statutory deadline.

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

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

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73 **H.1.4 Criteria for Evaluation**

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75 All components of faculty evaluation shall be based on the following Criteria for  
76 Evaluation:

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- 78 1. Demonstrated skill in classroom teaching, non-classroom roles, and other  
79 responsibilities specifically listed in the employment job announcement. These  
80 may include:
- 81 a. Currency and depth of knowledge in the primary areas of responsibility;
  - 82 b. Use of effective communication, written and oral;
  - 83 c. Careful attention to effective organizational skill in the classroom and/or  
84 other worksite(s);
  - 85 d. Commitment to program/discipline development and enrichment;
  - 86 e. Creativity and innovation;
  - 87 f. Leadership skills; and
  - 88 g. Commitment to cultural competence and equity-minded pedagogies.
- 89
- 90 2. Respect for students' rights and needs by:

- 91 a. Demonstrating patience, fairness, and promptness in the evaluation and  
92 discussion of student work;  
93 b. Sensitivity and responsiveness to the needs of individual students and  
94 their special circumstances, when appropriate;  
95 c. Maintaining contractual obligation to teaching and worksite hours and, if  
96 appropriate, to regular and timely office hours;  
97 d. Demonstrating sensitivity to human and cultural diversity;  
98 e. Acknowledging and defending the free inquiry of students in the exchange  
99 of criticism and ideas; and  
100 f. Recognizing the opinions of others.

- 101  
102 3. Respect for colleagues and the educational professions by:  
103 a. Acknowledging and defending the free inquiry of colleagues in the  
104 exchange of criticism and ideas;  
105 b. Recognizing the opinions of others;  
106 c. Acknowledging sources, when appropriate;  
107 d. Striving to be objective in their professional judgment of colleagues;  
108 e. Acting in accordance with the ethics of the profession and with a sense of  
109 personal integrity;  
110 f. Working in a spirit of timely cooperation to develop and maintain a  
111 collegial atmosphere; and  
112 g. Demonstrating sensitivity to human and cultural diversity among  
113 colleagues.

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115 4. Continued professional growth, which may be demonstrated by:  
116 a. Participating in self-initiated professional activities such as coursework,  
117 attendance at workshops, seminars, or professional meetings;  
118 b. Developing new curriculum, programs, or services;  
119 c. Conducting discipline, programmatic, or pedagogical research;  
120 d. Contributing to written publications, artistic exhibits, or conference  
121 presentations;  
122 e. Involvement in professional organizations, community partnerships, or  
123 other activities;  
124 f. Service in student organizations and activities; and  
125 g. Involvement in personal and professional development related to cultural  
126 competence.

- 127  
128 5. Participation in institutional service and collegial governance by:  
129 a. Active involvement in a fair share of committee work (e.g., governance  
130 councils, advisory committees, ad hoc committees, task forces, and  
131 accreditation standards groups);  
132 b. Active involvement in department or program.

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134 Results of Student Learning Outcomes assessments shall not be a factor in faculty  
135 evaluation.  
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**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;
- Three (3) tenured faculty members, appointed by the Faculty Assembly president and confirmed by the Faculty Assembly Executive Committee;
- Eight (8) tenured faculty members, appointed by the Academic Senate president and confirmed by the Academic Senate; and
- 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 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.

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

183 evaluation processes, as well as for TRC or PRC chairs and committee members.  
184 TREC may be consulted to provide procedural clarity throughout the tenure review and  
185 evaluation processes, including any appeals.

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

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

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

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

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### 209 ***H.2.3 Process for Recommendations of the Committee***

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

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

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### 221 ***H.3.0 Appeals and Review Committee***

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

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### 226 ***H.3.1 Composition of the Appeals and Review Committee***

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

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- 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.

The superintendent/president, Academic Senate, and Faculty Assembly shall appoint their representatives to serve on ARC by end of week six (6) of the fall semester during even numbered academic years. 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. A single chair may be selected for all appeals in a given year, or different chairs may be selected to coordinate different appeals. The chair of TREC may not also serve as the chair of ARC.

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.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 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.

275 **H.4.0 Evaluation of Tenure Candidates**

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

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

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

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294 **H.4.1 Evaluation Cycles for Tenure Candidates**

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296 • First Evaluation Cycle: fall semester of the first academic year

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298 • Second through Fourth Evaluation Cycles: spring semester (beginning spring of the  
299 first academic year) to end of fall semester

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301 • Off cycle hires: Contract faculty must work at least 75% of the number of days in the  
302 regular academic year in order to receive credit toward tenure. (Ed. Code § 87468).  
303 The academic year begins the first day of the fall semester. (Ed. Code § 87601).  
304 Contract faculty hired during the spring semester will begin the formal evaluation  
305 process during the next fall semester.

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308 **H.4.2 Tenure Review Committee (TRC) Composition**

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

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318 • **TRC Chair** - a discipline expert or tenured member of the department or workgroup  
319 to which the candidate belongs elected by consensus of the full-time faculty  
320 members of the department or work group. If the department or work group cannot

321 reach consensus the chair shall be elected by majority vote of the full-time faculty  
322 members of the department or work group. The chair is responsible for scheduling  
323 and leading all TRC meetings, and coordinating the collective writing of all *Tenure*  
324 *Plans* and TRC reports.

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326 • **Two Department or Work Group (D/WG) Peers** - tenured members of the  
327 department or workgroup to which the candidate belongs, or tenure candidates in  
328 their fourth evaluation cycle who have not been given a Corrective Action Plan  
329 during the tenure process. To the extent possible, peers should be from the  
330 candidate's discipline or closely related discipline. If there are no tenured discipline  
331 peers in the district, the TRC chair and appropriate dean may authorize the use of a  
332 discipline consultant from outside the district. The TRC selects both D/WG peers  
333 during the first evaluation cycle; the candidate selects one of the two peers  
334 beginning the second evaluation cycle in consultation with the tenure coordinator,  
335 and the TRC selects the other.

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337 • **Appropriate dean** - If the candidate's position falls under the purview of multiple  
338 deans, the appropriate vice president will choose which dean will serve on the TRC.

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

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### 350 **H.4.3 Tenure Plans**

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

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355 • **First Evaluation Cycle:** no *Tenure Plan* exists. During the first evaluation cycle,  
356 the elements of tenure review are prescribed as follows for each candidate:

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358 ○ Classroom or worksite observations (as specified in section H.4.4)

359 ○ Student surveys (as specified in section H.4.5)

360 ○ Candidate observations (2)

361 ○ Participation in all required department, program, or work group functions

362 ○ Dean's report

363 ○ *Candidate Self Study*

364 ○ Submission of an evaluation packet

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366 • **Evaluation Cycles Two Through Four:** A new *Tenure Plan* is created for  
367 evaluation cycles two through four. These cycles begin the spring semester of the  
368 first academic year and end the next fall semester. In these evaluation cycles, the  
369 minimum required elements include:

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- 371 ○ Classroom or worksite observations (as specified in section H.4.4)
- 372 ○ Student surveys (as specified in section H.4.5)
- 373 ○ Candidate observation (1)
- 374 ○ Participation in all required department, program, or work group functions\*
- 375 ○ Participation in institutional service, including collegial governance and/or
- 376 departmental initiatives\*
- 377 ○ Dean's report
- 378 ○ *Candidate Self Study*
- 379 ○ Submission of an evaluation packet

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

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383 • **Optional Elements** - Optional elements, including additional surveys,  
384 observations, small group instructional diagnosis (SGIDs), or Flex activity  
385 attendance or leadership, may also be included in the *Tenure Plan*. The candidate  
386 shall be primarily responsible for choosing optional elements; however, TRC  
387 members may choose options linked to particular concerns identified in the *Tenure*  
388 *Plan*.

389

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

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#### 397 ***H.4.4 Classroom or Worksite Observations for Tenure Candidates***

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##### 399 • **Requirements**

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- 401 ○ **Scheduling** - A classroom and/or worksite observation schedule will be made  
402 by the candidate in consultation with the TRC by the end of week four (4) of  
403 the fall semester, or week two (2) of the spring semester.

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- 405 ○ **Pre-Observation Discussion** - A pre-observation discussion must occur  
406 between the evaluating TRC member and the candidate to discuss the  
407 specific objectives or goals the candidate will address at the class/activity to  
408 be observed. The pre-observation discussion may be in person, by phone,  
409 or email. The observer may request course/activity related documents and  
410 information, such as syllabi, sample exams, or other media used in the class

411 section being observed. For non-classroom duties, samples of job-related  
412 projects and activities may be requested.

413  
414 ○ Post-Observation Discussion - A post-observation discussion must occur  
415 between the evaluating TRC member and the candidate to provide feedback  
416 concerning their observations as they relate to the criteria for evaluation. The  
417 post-observation discussion must occur within one (1) week of the  
418 observation.

419  
420 ○ Observation and Discussion Report - Each TRC member who completes an  
421 observation must complete an *Observation and Discussion Report*. Only  
422 documents provided to the TRC member during the pre-observation  
423 discussion, observation, or post-observation discussion may be attached to  
424 the report. By the end of week nine (9) of the fall semester, or week fifteen  
425 (15) of the spring semester, all observations shall be complete and observers  
426 shall send *Observation and Discussion Reports* to the tenure coordinator.

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428 ○ Additional Observations - Additional classroom or worksite observations may  
429 be performed upon the recommendation of the TRC or at the request of the  
430 candidate. Additional observations must be documented in the *Tenure Plan*.

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432 • **Classroom Faculty**

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434 ○ Evaluation Cycle One - Classroom observations will be conducted for four  
435 courses or 80% of a candidate's teaching load (whichever is greater) during  
436 the first fall semester of tenure review. When a candidate teaches fewer than  
437 four class sections, more than one TRC member may visit the same class  
438 section. Otherwise, no two members of the TRC may visit the same class  
439 section, unless extenuating circumstances exist and the tenure coordinator  
440 grants approval. During evaluation cycle one, at least one (1) observation  
441 must be made by the appropriate dean.

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443 ○ Evaluation Cycles Two through Four - Three classroom observations or a  
444 number of observations equal to 60% of a candidate's teaching load  
445 (whichever is greater) are conducted during the second through fourth  
446 evaluation cycles. During evaluation cycle two, at least one (1) observation  
447 must be made by the appropriate dean.

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449 • **Non-classroom Faculty**

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451 ○ Evaluation Cycle One - Each member of the TRC is scheduled to observe at  
452 least one selected activity during the first fall semester of tenure review. No  
453 two members of the TRC should observe the same activity, unless  
454 extenuating circumstances exist and the tenure coordinator grants approval.  
455 During evaluation cycle one, at least one (1) observation must be made by  
456 the appropriate dean.

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- Evaluation Cycles Two through Four - Three 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. The candidate must authorize student-level access to the evaluating TRC member for the purpose of an observation that is equivalent to a one-hour onsite classroom visit. The observation length should be at least fifty (50) minutes and does not have to be consecutive in nature.
  - **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.

476 ***H.4.5 Student Surveys for Tenure Candidates***

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

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- **Classroom Faculty** - a *Student Survey of Classroom Instruction* will be administered in four 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 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.

- 502 • **Split Assignments** - Candidates whose assignment includes both classroom and  
503 non-classroom duties, the appropriate surveys shall be administered in proportion to  
504 the candidate's assignment. The number of classroom sections and non-classroom  
505 services to be surveyed shall be determined by the TRC.  
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#### 507 **H.4.6 Other Evaluation Components for Tenure Candidates**

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- 510 • **Candidate Observations** - Each evaluation cycle, candidates shall observe faculty  
511 performing their primary job function (instructor, librarian, counselor, director,  
512 coordinator). Completion of observations are documented in the *Tenure Plan*, but  
513 no formal report is completed.  
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- 515 ○ **Evaluation Cycle One** - Two (2) candidate observations of TRC members  
516 must be conducted during evaluation cycle one.  
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- 518 ○ **Evaluation Cycles Two through Four** - At least one (1) candidate observation  
519 must be completed during evaluation cycles two through four. Observations  
520 in these cycles are not limited to TRC members and may include faculty at  
521 other institutions or professionals that work in a closely related discipline.  
522 The candidate may choose which faculty members to observe, unless  
523 otherwise determined by the TRC to address specific concerns. During  
524 cycles two through four, the candidate records completion of the  
525 observation(s) in the *Professional Growth and Activities Report*.  
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- 527 • **Professional Growth and Activities Report** - During the second through fourth  
528 evaluation cycles, the candidate must document their involvement in institutional  
529 service, collegial governance, participation in department or work group or program  
530 functioning, and participation in professional activities. This report shall be  
531 submitted to the tenure coordinator by the end of week nine (9) of the fall semester.  
532
- 533 • **Dean's Report** - Each evaluation cycle, the appropriate dean shall prepare a report  
534 pertinent to the criteria for evaluation. The report may include, but is not limited to,  
535 the candidate's professional interactions with colleagues, participation in institutional  
536 service, classroom management, promptness in evaluation of student work,  
537 adherence to timelines and due dates of administrative duties (e.g. grades,  
538 submission of census rosters), maintaining contractual obligations to teaching and  
539 worksite hours as related to classroom management (e.g. maintaining schedule of  
540 classes and office hours). This report shall be submitted to the tenure coordinator  
541 by the end of week eleven (11) of the fall semester.  
542
- 543 • **D/WG Responsibilities Observation Report (Optional)** - The TRC may elect to  
544 include this optional form in the candidate's *Tenure Plan* and all TRC members may  
545 provide input to this report. This report shall be submitted to the tenure coordinator  
546 by the end of week eleven (11) of the fall semester.  
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- 548           ○ Section A: first-hand information observed by members of the TRC during  
549 formal department or work group meetings, and department or work group  
550 duties and activities in which the full membership of the department or work  
551 group is expected to participate.  
552
- 553           ○ Section B: The TRC chair may use Section B of the report to verify  
554 information provided in the professional growth and activities report. The  
555 name of the department or work group member(s) interviewed and the  
556 substance of the information received must be documented and included in  
557 the report.  
558
- 559 • **Candidate Self Study** - Each candidate's evaluation packet shall include a succinct  
560 self-study document addressing their professional growth and establishing future  
561 goals. Candidates shall also address any concerns reported in *Observation and*  
562 *Discussion Reports* and respond to any substantial issues raised in student surveys.  
563 Candidates shall also propose specific strategies for resolving those issues and  
564 concerns during the next evaluation cycle. If concerns were documented in the  
565 previous *Tenure Review Committee Report*, candidates shall analyze the  
566 effectiveness of their strategic responses to those concerns. The candidate's self-  
567 study must be submitted by the end of week thirteen (13) of the fall semester with  
568 the evaluation packet.  
569
  - 570 • **Response Reports (Optional)** - Candidates may include responses to any  
571 *Observation and Discussion Reports*, *Tenure Review Committee Reports*,  
572 *Department/Work Group Responsibilities Observation Reports* or *Dean's Reports*.  
573
  - 574 • **Revised Materials (Optional)** - Candidates may include in their evaluation packet  
575 classroom or other material they have revised in response to student surveys and/or  
576 *Observation and Discussion Reports*.  
577

#### 578 ***H.4.7 Submission of Tenure Evaluation Packet***

581 Each candidate is responsible for assembling an evaluation packet that incorporates the  
582 elements specified in their *Tenure Plan* and any other relevant evaluation materials.  
583 The deadline to complete and submit the evaluation packet to the tenure coordinator is  
584 by the end of week thirteen (13) of the fall semester.  
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#### **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) working 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) working days after the tenure evaluation meeting. Within three (3) working 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

633 tenure evaluation meeting if a majority of the TRC members determine that all of the  
634 following conditions are met:

- 635
- 636 (1) a substantial deficiency exists in relation to one or more of the Criteria for  
637 Evaluation;
  - 638 (2) the deficiency represents a significant barrier to tenure; and
  - 639 (3) the deficiency is not likely to be remedied during the probationary period  
640 through the addition of options to the *Tenure Plan*.
- 641

642 *Corrective Action Plans* shall provide an indication of existing barriers to tenure along  
643 with steps to be taken to resolve the issues. They shall also include a timeline by which  
644 the TRC's expectations are to be met. Failure by the tenure candidate to fully correct  
645 the concerns expressed in a *Corrective Action Plan* in the time allotted by the TRC may  
646 result in a recommendation not to offer further contracts or to deny tenure.

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

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#### 652 **H.4.10 Early Tenure Option**

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- 654 • **Statement of Intent** - Candidates interested in applying for early tenure must  
655 include the *Statement of Intent to Seek Early Tenure* in their first-cycle evaluation  
656 packet along with evidence that they have met the early tenure eligibility  
657 requirements identified below. TREC will review and provide a determination of  
658 eligibility to apply for early tenure by week six (6) of the spring semester of the  
659 second evaluation cycle.
  - 660
  - 661 • **Eligibility** - Tenure candidates are eligible to apply for early tenure at the end of  
662 their second evaluation cycle only if both of the following conditions are satisfied:  
663
    - 664 ○ The candidate was granted or has been recommended for tenure in a similar  
665 position at an institution of higher education with a defined review process;  
666 and
    - 667 ○ The TRC agrees that the candidate has demonstrated meeting to an  
668 extraordinary degree each of the district's five Criteria for Evaluation by a  
669 majority vote. In the absence of a majority vote, an early tenure option will not  
670 be exercised.

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#### 673 **H.4.11 Appeals to TRC Recommendations**

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675 The tenure coordinator shall inform the tenure candidate of the TRC's tenure or rehire  
676 recommendation in person or by phone within two (2) business days from the date the  
677 recommendation is made by the TRC. The tenure candidate shall also receive a written  
678 notification of the TRC's recommendation. If the tenure or rehire recommendation is

679 negative, the notification shall inform the candidate of their right to appeal any such  
680 recommendation. A copy of the notification must be sent to the ARC chair and the  
681 TREC chair.

682  
683 Appellants shall complete an appeal form and submit it to the ARC chair within ten (10)  
684 calendar days of the written notification of the TRC's recommendation that generated  
685 the appeal. The tenure candidate may consult with the TREC chair regarding the  
686 appeals process.

687

688 The grounds for appeal to ARC are:

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

694

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

700

701 ARC hearings shall be held by the end of the second (2nd) week of the spring  
702 semester. All five (5) ARC members or their alternates must be present at any hearing  
703 or review.

704

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

707

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

714

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

724



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

729  
730 The ARC chair shall record the committee's recommendation on the appeal form. The  
731 form shall be transmitted to the superintendent/president.

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#### 734 ***H.4.12 Grievance Procedure for Contract Decisions***

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

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#### 742 ***H.5.0 Evaluation of Tenured Faculty***

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745 The district and the Faculty Assembly agree to reopen this section for negotiation in  
746 2019-2020. Until a new process is negotiated, the evaluation process for tenured faculty  
747 shall be as prescribed in the *MiraCosta College Tenured Faculty Professional Growth*  
748 *and Evaluation Handbook*, approved August 2017, with the following modifications:

749

- 750 • Responsibilities assigned in the handbook to the Professional Growth and  
751 Evaluation Committee (PG&E) shall be assumed by the Tenure Review and  
752 Evaluation Committee (TREC), except that TREC shall not review evaluation  
753 reports and plans relating to individual tenured faculty evaluations or  
754 recommendations.
- 755 • The Academic Senate shall not review individual tenured faculty evaluations or  
756 recommendations.
- 757 • If the PRC recommendation is anything other than "satisfactory" and the dean  
758 accepts the PRC recommendation, the tenured faculty member (TFM) shall  
759 have the right to appeal to the Appeals Review Committee (ARC). ARC shall  
760 review all reports and plans. After review ARC shall vote on a recommendation  
761 of "Satisfactory," "Improvement Needed—Assistance Plan Prescribed,"  
762 "Minimum Standards Not Met – Corrective Action Plan Prescribed," or  
763 "Unsatisfactory," subject to the restriction in the *Tenured Faculty Professional*  
764 *Growth and Evaluation Handbook* that recommendations other than  
765 "Satisfactory" may be made only in sequence. If appropriate, ARC shall direct  
766 the PRC and dean to write or augment an Assistance Plan or Corrective Action  
767 Plan. ARC shall provide the PRC and dean with substantial rationale for any  
768 new or augmented plan.
- 769
- 770

771 • If the dean does not accept the PRC recommendation, an automatic ARC  
772 review shall be triggered, as described above. ARC will vote on a final  
773 recommendation. If appropriate. ARC shall direct the PRC and dean to write or  
774 augment an Assistance Plan or Corrective Action Plan. ARC shall provide the  
775 PRC and dean with rationale for any new or augmented plan.  
776

777 • If there is no appeal, or following any revisions made pursuant to the appeal or  
778 review process, the PRC report, the dean's report and any Assistance Plans or  
779 Corrective Action Plans shall be forwarded to the appropriate vice president.  
780

781 The Faculty Assembly president and the Director of Labor Relations shall confer  
782 regarding any questions of interpretation arising from this interim process. If the  
783 Faculty Assembly president and the Director of Labor Relations disagree, the matter  
784 shall become a subject of negotiation between the district and the Faculty Assembly.  
785 The Faculty Assembly shall consult with the Academic Senate in developing its  
786 proposals.