

## **TENURE CANDIDATES**

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

#### ***H.1.0 General Evaluation Principles***

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

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

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

#### ***H.1.1 Confidentiality***

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

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

#### ***H.1.2 Evaluation Schedule***

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

- **Contract faculty** (referred to in evaluation procedures as “tenure candidates” or “candidates”): at least once every academic year.
- **Regular faculty** (referred to in evaluation procedures as “tenured faculty”): at least once every three academic years.
- A process for evaluation of temporary full-time faculty will be negotiated in 2019-2020.

### ***H.1.3 Timelines, deadlines, exceptions and voting***

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

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

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

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

### ***H.1.4 Criteria for Evaluation***

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

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

- a. Demonstrating patience, fairness, and promptness in the evaluation and discussion of student work;
  - b. Sensitivity and responsiveness to the needs of individual students and their special circumstances, when appropriate;
  - c. Maintaining contractual obligation to teaching and worksite hours and, if appropriate, to regular and timely office hours;
  - d. Demonstrating sensitivity to human and cultural diversity;
  - e. Acknowledging and defending the free inquiry of students in the exchange of criticism and ideas; and
  - f. Recognizing the opinions of others.
3. Respect for colleagues and the educational professions by:
- a. Acknowledging and defending the free inquiry of colleagues in the exchange of criticism and ideas;
  - b. Recognizing the opinions of others;
  - c. Acknowledging sources, when appropriate;
  - d. Striving to be objective in their professional judgment of colleagues;
  - e. Acting in accordance with the ethics of the profession and with a sense of personal integrity;
  - f. Working in a spirit of timely cooperation to develop and maintain a collegial atmosphere; and
  - g. Demonstrating sensitivity to human and cultural diversity among colleagues.
4. Continued professional growth, which may be demonstrated by:
- a. Participating in self-initiated professional activities such as coursework, attendance at workshops, seminars, or professional meetings;
  - b. Developing new curriculum, programs, or services;
  - c. Conducting discipline, programmatic, or pedagogical research;
  - d. Contributing to written publications, artistic exhibits, or conference presentations;
  - e. Involvement in professional organizations, community partnerships, or other activities;
  - f. Service in student organizations and activities; and
  - g. Involvement in personal and professional development related to cultural competence.
5. Participation in institutional service and collegial governance by:
- a. Active involvement in a fair share of committee work (e.g., governance councils, advisory committees, ad hoc committees, task forces, and accreditation standards groups);
  - b. Active involvement in department or program.

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

## ***H.2.0 Tenure Review and Evaluation Committee***

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

### ***H.2.1 Composition of the Tenure Review and Evaluation Committee***

The membership of TREC shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

- **Two Department or Work Group (D/WG) Peers** - tenured members of the department or workgroup to which the candidate belongs, or tenure candidates in their fourth evaluation cycle who have not been given a Corrective Action Plan during the tenure process. To the extent possible, peers should be from the candidate's discipline or closely related discipline. If there are no tenured discipline peers in the district, the TRC chair and appropriate dean may authorize the use of a discipline consultant from outside the district. The TRC selects both D/WG peers during the first evaluation cycle; the candidate selects one of the two peers beginning the second evaluation cycle in consultation with the tenure coordinator, and the TRC selects the other.
- **Appropriate dean** - If the candidate's position falls under the purview of multiple deans, the appropriate vice president will choose which dean will serve on the TRC.

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

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

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

- **First Evaluation Cycle:** no *Tenure Plan* exists. During the first evaluation cycle, the elements of tenure review are prescribed as follows for each candidate:
  - Classroom or worksite observations (as specified in section H.4.4)
  - Student surveys (as specified in section H.4.5)
  - Candidate observations (2)
  - Participation in all required department, program, or work group functions
  - Dean's report
  - *Candidate Self Study*
  - Submission of an evaluation packet

- **Evaluation Cycles Two Through Four:** A new *Tenure Plan* is created for evaluation cycles two through four. These cycles begin the spring semester of the first academic year and end the next fall semester. In these evaluation cycles, the minimum required elements include:
  - Classroom or worksite observations (as specified in section H.4.4)
  - Student surveys (as specified in section H.4.5)
  - Candidate observation (1)
  - Participation in all required department, program, or work group functions\*
  - Participation in institutional service, including collegial governance and/or departmental initiatives\*
  - Dean's report
  - *Candidate Self Study*
  - Submission of an evaluation packet

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

- **Optional Elements** - Optional elements, including additional surveys, observations, small group instructional diagnosis (SGIDs), or Flex activity attendance or leadership, may also be included in the *Tenure Plan*. The candidate shall be primarily responsible for choosing optional elements; however, TRC members may choose options linked to particular concerns identified in the *Tenure Plan*.
- **Modifications to the Tenure Plan** - When a modification to the *Tenure Plan* must be made that affects the timeline for completion, the tenure coordinator must obtain approval by the appropriate dean in consultation with the Faculty Assembly president. Any modifications must be documented in the *Tenure Plan* by the tenure coordinator.

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

- **Requirements**
  - **Scheduling** - A classroom and/or worksite observation schedule will be made by the candidate in consultation with the TRC by the end of week four (4) of the fall semester, or week two (2) of the spring semester.
  - **Pre-Observation Discussion** - A pre-observation discussion must occur between the evaluating TRC member and the candidate to discuss the specific objectives or goals the candidate will address at the class/activity to be observed. The pre-observation discussion may be in person, by phone, or email. The observer may request course/activity related documents and information, such as syllabi, sample exams, or other media used in the class

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

- Post-Observation Discussion - A post-observation discussion must occur between the evaluating TRC member and the candidate to provide feedback concerning their observations as they relate to the criteria for evaluation. The post-observation discussion must occur within one (1) week of the observation.
- Observation and Discussion Report - Each TRC member who completes an observation must complete an *Observation and Discussion Report*. Only documents provided to the TRC member during the pre-observation discussion, observation, or post-observation discussion may be attached to the report. By the end of week nine (9) of the fall semester, or week fifteen (15) of the spring semester, all observations shall be complete and observers shall send *Observation and Discussion Reports* to the tenure coordinator.
- Additional Observations - Additional classroom or worksite observations may be performed upon the recommendation of the TRC or at the request of the candidate. Additional observations must be documented in the *Tenure Plan*.

- **Classroom Faculty**

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

- **Non-classroom Faculty**

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

- Evaluation Cycles Two through Four - Three 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.

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

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

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

- **Split Assignments** - Candidates whose assignment includes both classroom and non-classroom duties, the appropriate surveys shall be administered in proportion to the candidate's assignment. The number of classroom sections and non-classroom services to be surveyed shall be determined by the TRC.

#### ***H.4.6 Other Evaluation Components for Tenure Candidates***

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

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

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

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

#### **H.4.8 Tenure Review Meetings**

- **TRC Introductory Meeting (First Evaluation Cycle Only)** - a TRC Introductory Meeting shall be held between weeks one (1) and four (4) of the fall semester (inclusive) to introduce the candidate to the TRC and schedule observations, the Tenure Review Meeting, and the Tenure Evaluation Meeting for the first evaluation cycle.
- **Tenure Review Meeting** - the Tenure Review Meeting shall be held between weeks fourteen (14) through sixteen (16) of the fall semester (inclusive) of each evaluation cycle to review the candidate's evaluation packet and any previous *Tenure Plans*. The TRC and candidate shall prepare a *Tenure Plan* for the following evaluation cycle (except in the fourth cycle).
- **Tenure Evaluation Meeting** - the Tenure Evaluation Meeting shall be held between weeks fourteen (14) through sixteen (16) of the fall semester (inclusive) of each evaluation cycle, after the Tenure Review Meeting. The tenure candidate shall not attend. At this meeting, the TRC shall evaluate the candidate on each of the five Criteria for Evaluation, and complete the *Tenure Review Committee Report*.

The *Tenure Plan*, the *Tenure Review Committee Report* and any *Corrective Action Plan* must be finalized and approved by the TRC at this meeting. However, clarifying details may be added to the *Tenure Plan* and the *Tenure Review Committee Report* so long as they are finalized within three (3) 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

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

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

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

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

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

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

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

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

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

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

The grounds for appeal to ARC are:

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

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

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

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

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

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

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

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

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

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

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

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

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

- If the dean does not accept the PRC recommendation, an automatic ARC review shall be triggered, as described above. ARC will vote on a final recommendation. If appropriate, ARC shall direct the PRC and dean to write or augment an Assistance Plan or Corrective Action Plan. ARC shall provide the PRC and dean with rationale for any new or augmented plan.
- If there is no appeal, or following any revisions made pursuant to the appeal or review process, the PRC report, the dean's report and any Assistance Plans or Corrective Action Plans shall be forwarded to the appropriate vice president.

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