



# **Tenure Review Handbook**

## **2010-2013**

A Guide for Faculty and Administrators



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## INTRODUCTION

The period during which prospective members of the permanent Foothill-De Anza faculty are reviewed for tenure is best understood as a continuation of our District's search and selection processes. Indeed, the recommendation we make to the Board of Trustees to grant tenure is, perhaps, a more important recommendation than the initial decision to hire. When tenure is granted, the Candidate becomes a permanent member of our community.

Thus, the review period for tenure becomes that crucial interval within which we create the future of our colleges, expand our vision of that future, and enhance the quality of the educational opportunity provided to students when they enter our doors.

Foothill-De Anza's approach to this period is based on the premise that the tenure recommendation is best formed by collaboration of faculty and administrative colleagues, and students through the student evaluation process, a collaboration in which the perceptions of each inform the others.

The Tenure Review Handbook was developed by representatives of the Academic Senates, the Faculty Association, and the administration. To make this process explicit, equitable and fair for all candidates, the phases of the tenure review process, the evaluation and recommendation procedures, and the timelines are articulated in this Handbook which includes: (1) Definitions; (2) Overview of the Tenure Review Process; (3) The *Agreement*; (4) Academic Freedom; (5) Evaluation Goals and Criteria; (6) Statement on Professional Ethics; (7) Activities and Timelines for Phases I, II, and III; and, (8) most importantly, Article 6A-Evaluation of Probationary (Contract) Faculty Employees for Tenure of the *Agreement* between the District and the Faculty Association, which is the contractual foundation of this handbook.

This Handbook serves to:

- 1) implement Article 6A of the *Agreement* between the Faculty Association and the Board of Trustees concerning tenure review;
- 2) provide a framework within which tenure review committees can perform the crucial task of evaluating a candidate for permanent faculty status; and,
- 3) assist the candidate in understanding the process and the performance expectations to successfully complete the process.



## DEFINITIONS

**Candidate:** The probationary faculty employee.

**Chair:** The person elected by majority vote of the Core Committee to lead the Tenure Review Committee. Any member of the Core Committee may serve as Chair, but any faculty member who wishes not to serve as chair is free to decline. The Chair prepares a written schedule of committee meetings and evaluative activities for the Candidate and the committee.

**Closed session:** The meeting that takes place when the Tenure Review Committee meets without the Candidate present.

**Core Committee:** The three-member Tenure Review Committee—the Division Dean or appropriate administrator, and two tenured faculty members from the division, at least one of whom, whenever possible, shall be from the department—who provide continuing evaluation and guidance during all three phases of the Candidate’s tenure review period.

**Consultative evaluation:** A probationary evaluation of the Candidate during Phase III by the Vice President, using Appendix J1.

**Criteria:** Information used in the evaluation process are specified in Article 6A.6 of the *Agreement* and elaborated upon in the “Criteria for Evaluation” section of this Handbook. Exceptional criteria as specified in Article 6A.7 shall not be used in the evaluation process nor as part of the Tenure Review Committee's recommendation unless such additional criteria have been discussed with and mutually agreed upon in writing by the Candidate.

**Dual assignment:** A primary assignment for instruction, counseling, or learning resources that also includes program coordination or direction.

**Due Process complaint:** An allegation by the Candidate, a member of the Tenure Review Committee, the Tenure Review Coordinator, or other staff member, that the Candidate is being subjected to biased treatment during the tenure review process, and/or that the procedures, guidelines, and timelines established in Article 6A and the Tenure Review Handbook have been violated. The Due Process complaint is described in Article 6A, Sections 6A.16 through 6A.20 of the *Agreement*.

**Evaluative activity:** Refers generically to probationary evaluation and student evaluation described below. Evaluation of a Candidate shall be performed only on negotiated evaluation instruments, i.e., those that are contained in the *Agreement*, Appendix J. A committee shall not develop independent forms for its own use in evaluating the Candidate.

**Job description:** The duties and responsibilities as defined in the Announcement of Employment Opportunity for the Candidate's position. These duties and responsibilities, and no other, shall be subject to evaluation by the tenure review committee members using Appendix J1. In the event of changes in the Candidate's assignment, duties, or responsibilities, the Vice President and the Dean shall notify the Tenure Review Committee. All such changes must be mutually agreed upon by the Candidate and the appropriate administrator.

**March 15th Notice:** The notification by the Board to the probationary employee that his or her employment contract shall not be renewed for the following academic year.

**Part A:** The objective portion of the student evaluation form. It is summarized on a (scantron) Tally Sheet and attached to Appendix J3-Tabulation of Student Evaluations.

**Part B:** The narrative section of the student evaluation form, Appendix J2. This anonymous material is shared between the Candidate and the committee but does not become part of the Candidate's personnel file. Part B responses are not forwarded to the Tenure Review Coordinator; after they have been reviewed and discussed by the Candidate and the committee, they are given to the Candidate after grades have been submitted for the quarter.

**Probationary evaluation:** A first-hand evaluation of the Candidate by a member of the Candidate's Tenure Review Committee. All evaluations shall be performed on the administrative/peer evaluation form contained in Appendix J1 as it applies to the Candidate's job description.

**Self-evaluation:** A written statement (of one to two pages) by the Candidate including self-assessment and plans for future professional growth.

**Split assignment:** An assignment in more than one division or program, or an assignment in one division that serves a special student population in another division.

**Student evaluation:** An assessment of the Candidate by his or her students. A student evaluation is distributed and processed by a committee member. All student evaluation must be performed on the appropriate document contained in Appendix J2. Corresponding Tabulation Forms are located in Appendix J3.

**Tenure Review Coordinator:** A faculty member appointed by the President of each campus, with the concurrence of the Faculty Association and the campus Academic Senate, to coordinate tenure review activities for all of the candidates on that campus. The duties and responsibilities of the Tenure Review Coordinator are specified in Article 6A.2 of the *Agreement*.

## OVERVIEW OF THE TENURE REVIEW PROCESS

### **The Tenure Review Committee**

1. The Tenure Review Committee for each candidate shall be composed as follows:

In Phases I and II, the Tenure Review Committee consists of the Core Committee (described below) plus the Vice President and a third tenured faculty member appointed by the Academic Senate from the faculty at large, outside the division. Every effort shall be made to create tenure review committee membership with representation from different ideologies or pedagogies in the discipline.

Providing continuing evaluation and guidance throughout all three phases of the Candidate's tenure review period, the Core Committee is composed of the Division Dean or appropriate administrator, and two tenured faculty from the division, at least one of whom, whenever possible, shall be from the same department as the probationary faculty employee.

For a Candidate who has a "split assignment" (performs service in more than one division or program) the Core Committee consists of three members - the Division Dean from the primary service area and one tenured faculty member from each of the two assignment areas.

In Phase III, the three-person Core Committee serves as the evaluating committee for the Candidate. The Vice President, while not a formal member of the Tenure Review Committee during Phase III, provides input, consultation and oversight to the committee throughout Phase III.

2. In no case shall any member of the Tenure Review Committee also serve as a formal or informal mentor to the Candidate nor shall any faculty member of the committee serve as supervisor to the candidate.
3. The Tenure Review Committee and the Candidate shall comply with Article 6A of the *Agreement*, the Tenure Review Handbook and college policies and practices. Tenure Review Committee members have a professional responsibility to preserve the confidentiality of the process, to maintain objectivity, and to respect the academic freedom of the Candidate to employ pedagogy or methodology appropriate to the discipline but which differs from the instructional practices of the individual committee members.
4. The Chair of the Tenure Review Committee is a member of, and elected by, the Core Committee. This assignment, however, brings with it certain responsibilities that can place a faculty member in a very difficult position. While providing advice and recommendations on the Tenure Review Committee is an important faculty role, the ultimate hiring and dismissal recommendation belongs to the duly constituted legal

agents of the Board. Faculty may serve as committee chair if elected, but any faculty member who wishes not to serve shall be free to decline.

5. All committee members shall have completed an in-service training session specifically designed for Tenure Review Committee members, before beginning their evaluation duties. The in-service session(s) must include training on timelines and procedures, the constructive nature of the tenure review process, the academic freedom rights and responsibilities of the Candidate, cultural competence, and methods of identifying bias and maintaining objectivity. (Article 6A.4.5.)

Whenever substantive changes occur in Article 6A and/or the Tenure Review Handbook, Tenure Review Committee members shall complete an in-service training session.

6. Faculty members who serve as members of a Tenure Review Committee receive one (1) quarter unit of professional growth activity and a Tenure Review Committee Chair receives two (2) quarter units of professional growth activity for the completion of regular and continuous service in each designated phase of the tenure review process. These units of professional growth activity apply under Article 38.4.3 and/or professional growth activity 1.3 of Appendix A of the *Agreement* (Article 6A.4.7.) Alternatively, instead of receiving professional growth activity units, the faculty member may use tenure review committee service as special service for the Professional Achievement Award under Article 38.5.
7. A Tenure Review Coordinator is appointed for a two-year renewable term by the President of each campus, with the concurrence of the Faculty Association and the appropriate campus Academic Senate, to coordinate all Tenure Review activities including training and implementation of the timelines. In addition, the Tenure Review Coordinator assists the candidate in understanding the tenure review process and/or resolving concerns he or she may have about the procedures or membership of the tenure review committee. The Tenure Review Coordinator position is a “special assignment” under Article 25. (Article 6A.2.1.)

### **Timelines**

1. The timelines are intended to be a guide to the tasks that need to be performed. They provide a recommended schedule for accomplishing those tasks. Committees may decide to complete the various steps of the process somewhat earlier than the timelines provide, and special circumstances may necessitate a later schedule. The established timelines allow committee members to visit the Candidate, identify areas that may need improvement, schedule further visits if necessary, meet to prepare their report, and present their report to the President in time for the President to make a recommendation to the Chancellor and Board of Trustees.

The timelines provide the Candidate with an outline of the process so that he/she may prepare for the evaluative activities to be performed and respond to the committee as appropriate.

2. The Tenure Review Committee Chair is responsible for preparing a written schedule of committee meetings and evaluative activities and distributing the schedule to the committee with a copy to the Candidate and the Tenure Review Coordinator within five working days of the committee's first meeting with the Candidate.
3. While these timelines are not to be understood or interpreted as rigid and absolute, they are essential to a fair, professional, and objectively administered process. They are intended neither to be traps for candidates or committee members, nor technicalities by which the entire process can be invalidated.
4. In unusual circumstances, a tenure review committee may determine that it is necessary to deviate from the established timelines. In such cases a written request should be submitted to the President or designee outlining the process deviations and the reasons for the request in accordance with Article 6A.15 of the *Agreement*. The President or designee shall respond to such requests within two working days, including notice to the Candidate and the Tenure Review Coordinator if the request is granted.
5. Committees are encouraged to meet more frequently than the guidelines provide, if necessary.

### **Evaluation Procedures**

1. The probationary evaluations performed by individual committee members shall be based upon the committee member's observations, discussions with the Candidate, and review of pertinent written material, or other relevant first hand information known or observed by the committee member. All probationary evaluations shall be performed on the administrative/peer evaluation form contained in Appendix J1 as it applies to the Candidate's job description. A post-evaluation individual discussion with the Candidate is held within one week of the evaluation visit, and the finalized written evaluation is provided to the Candidate no later than two weeks after the evaluation visit. The Candidate has the opportunity to respond to the evaluation in writing, in Section IV of Appendix J1. The completed evaluation is reviewed and signed by the Candidate, evaluator, Division Dean or appropriate administrator, and Vice President, and submitted to the Chair in a timely fashion. A copy of the completed and signed evaluation is given to the Candidate by the Chair.

When a Candidate has a “dual assignment,” program responsibilities shall be evaluated by at least one administrator and one faculty member of the committee during each phase of the tenure review process. (Article 6A.14.1.)

In Phase III, the Vice President, while not a formal member of the committee, may perform a consultative evaluation of the Candidate under the provisions specified in Phase III of the “Activities and Timelines” section of this Handbook. The consultative evaluation is a probationary evaluation performed on Appendix J1 of the *Agreement*.

2. Student evaluations and the Candidate's engagement of the results are an important part of the Tenure Review process. All student evaluation shall be performed on the appropriate document contained in Appendix J2. Corresponding Tabulation Forms are located in Appendix J3. To provide a broad and representative sample, student evaluations are a part of the Tenure Review Committee's evaluative activities throughout the four-year process. The class sections or appropriate equivalent activities to be evaluated are determined by the committee. Committee members perform all student evaluations and shall not delegate this responsibility to any other person. A committee member will distribute, collect, tabulate, and review the student evaluations, and then submit the originals (including Part A and Part B) to the Chair.



A probationary evaluation and a student evaluation shall not be performed at the same time, i.e., on the same day and during the same academic hour(s). (Article 6A.12.3.5.)

A Tenure Review Committee member responsible for performing both a probationary evaluation and a student evaluation during the same quarter shall provide the completed probationary evaluation to the candidate before conducting the student evaluation. (Article 6A.12.3.6.)

The Chair will:

- 1) File the original and provide a copy of the Tabulation Sheet for Part A (the appropriate form in Appendix J3) to the Candidate in a timely manner;
- 2) Deposit the original student evaluation forms (Part B) in a secure location in the division office for review by the committee members; and,
- 3) Make the Part B responses and the original (Part A) scantrons available to the Candidate after he or she has submitted grades for the quarter. The results of the student evaluation will be discussed with the Candidate at the next committee meeting.

The number and scheduling of the student evaluations are contained in the "Activities and Timelines" section of this Handbook. If, in the judgment of the committee, additional evaluations need to be completed, it is the responsibility of the committee to identify additional sections to be evaluated and to notify the Candidate of such on a quarter-by-quarter basis.

3. In order that the committee may achieve a complete and comprehensive view of the Candidate's overall performance, administrators, faculty or staff members with first-hand knowledge of the Candidate's professional performance may voluntarily share that

knowledge with the committee in person or through a signed statement addressed to the committee. A written statement may be submitted to any member of the committee, who will bring it to the attention of the entire committee. In-person statements to the committee may be scheduled by contacting the Chair. Such information shall be confidential and unsolicited, and it shall not be construed as an official evaluation of the Candidate nor become part of the Candidate's personnel file. When such information is provided, the committee shall determine whether it is timely, relevant, valid, and substantive and decide whether to pursue corroborative information through first-hand probationary evaluation by one or more members of the committee.

### **Due Process Protection**

Article 6A (Sections 6A.16 through 6A.20) of the *Agreement* between the District and the Faculty Association provides a process to promptly address inappropriate deviations from the established timelines and procedures, to address issues of bias, and to resolve any such problems. Prior to invoking the due process procedure, complainants shall make a good faith effort to resolve issues within the committee or with the assistance of the committee Chair and the Tenure Review Coordinator.

### **Recommendation for Continued Employment**

1. The Tenure Review Committee's recommendations shall be based upon written evidence of the faculty member's performance as reflected in:
  - a. Evaluation by the members of the Tenure Review Committee of the Candidate's primary duties, contractual obligations, and professional responsibilities;
  - b. Student evaluations, to the extent practicable, as identified by the Tenure Review Committee according to the Tenure Review Handbook;
  - c. The Candidate's self-evaluations which should include self-assessment and plans for future professional growth, address areas of performance deficiency, if any, and reflect discussions with the committee members, as well as responses to student evaluations; and,
  - d. In Phase III, the Candidate's report of professional growth and of professional contributions (described in the "Evaluation Goals and Criteria" section of this Handbook).
2. All of the material submitted by the faculty member together with all relevant administrative and Tenure Review Committee evaluations and recommendations shall be in written form and reviewed by the President. In Phase III, the President may also consider an independent recommendation submitted by the Vice President in the unlikely event that the Vice President disagrees with the committee's recommendation. After reviewing the tenure material, the President formulates a

final recommendation and forwards it to the Chancellor and the Board sufficiently in advance of March 15 to enable the Board to meet the statutory deadlines. In the event of lack of agreement between the President and the committee, they shall meet to attempt to formulate one written recommendation to the Chancellor.

In the unlikely event that there is no single recommendation, the President presents his or her recommendation, along with the committee recommendation, to the Chancellor who also makes a written recommendation to the Board.

At least one week prior to the Board's discussion of the tenure recommendation, a copy of all written materials presented to the Board shall be given to the Candidate.

3. Non-prejudicial timeline or procedural errors shall not serve to invalidate the recommendation of the committee or the President or the action of the Chancellor or the Board of Trustees.

## THE AGREEMENT

Faculty compensation, benefits and working conditions are established through the collective bargaining process and memorialized in the *Agreement* between the Foothill-De Anza Community College District and the Foothill-De Anza Faculty Association (known as the “contract” or the *Agreement*). Each faculty employee is provided with a copy of this document.

The Tenure Review Process is fully defined by Article 6A of the *Agreement* (included in this Handbook); in addition, the terms of employment that pertain to Candidates as contract faculty are contained in other articles, the appendices, and the memoranda of understanding.

### **Advancement on the Salary Schedule**

Criteria for advancement on the salary schedule (both step and column advancement) are described under “Professional Growth Activities” in Appendix A of the *Agreement*, from which the following is excerpted:

“Step advancement for regular and contract faculty operates on a four-year cycle. This means that step advancement begins with the commencement of probationary employment and occurs automatically for the next three years; by the end of the fourth year, in order to continue advancement on the salary schedule, the faculty employee shall have completed nine (9) quarter units of professional growth activity (PGA). At the end of the fourth year, if the faculty employee has not met the nine-unit PGA requirement, no additional step advancement shall occur. In order to resume advancement, the faculty employee shall meet the nine unit PGA requirement within the immediately preceding four-year period. Once this requirement is met, the faculty employee shall be advanced to the next step at the beginning of the subsequent academic year, and a new four-year cycle shall begin; the process shall continue until the faculty employee reaches the top step of the salary schedule.”

The faculty employee has the responsibility to file professional growth activities with the Campus Personnel Office. Forms for filing PGA are contained in Appendix O.

The PGA requirement applies to the Candidate’s advancement on the salary schedule; it is not a condition of tenure. (Article 6A.1.)

## **ACADEMIC FREEDOM**

Academic freedom encompasses the freedom to study, teach and express ideas and viewpoints, including unpopular and controversial ones, without censorship, political restraint or retribution. Academic freedom allows for the free exchange of ideas in the conscientious pursuit of truth. This freedom exists in all service areas, including but not limited to teaching, librarianship, counseling, coordinating and all faculty-student interactions. Academic Freedom is the bedrock principle of all institutions of learning and must be extended to all faculty regardless of their status as full-time, part-time, or probationary.

Faculty members have the principal right and responsibility to determine the content, pedagogy, methods of instruction, the selection, planning and presentation of course materials, and the fair and equitable methods of assessment in their assignment in accordance with the approved curriculum and course outline and the educational mission of the District, and in accordance with state laws and regulations. These rights and responsibilities include, but are not limited to, the faculty member's choice of textbooks and other course materials, assignments and assessment methods, teaching practices, grading and evaluation of student work, and teaching methods and practices.

Special vigilance must be paid to the protection of the Academic Freedom Rights of probationary faculty undergoing the tenure process. While the tenure process is, at its core, an evaluative process, the evaluation of probationary faculty must never be used as a pretense for abridging or restricting the Academic Freedom rights of a tenure candidate. All members of a probationary faculty member's tenure review committee should bear in mind that differences between their own teaching methods and practices and beliefs and those of the tenure candidate should never be the basis for their evaluation of a probationary faculty member. These differences are protected by the tenure candidate's Academic Freedom. The evaluation of a probationary faculty member should be based solely on those criteria described in the negotiated faculty evaluation instruments and those listed in the advertised job description under which the tenure candidate was hired.

## EVALUATION GOAL AND CRITERIA

The Foothill-De Anza District takes great pride in the uncommon ability, energy, enthusiasm and commitment of its faculty to meet the needs of our diverse student population. As academic professionals, faculty bring to their department, division and campus, breadth and depth of knowledge, pedagogical effectiveness, and life experiences that will enrich their disciplines and stimulate learning. Faculty recommended for tenure, therefore, must reflect this standard of excellence in the performance of their faculty duties and interaction with students and colleagues.

### **Evaluation Goals**

The Tenure Review Committee evaluates the Candidate's primary duties and responsibilities including all of his or her contractual obligations. The purpose of evaluation is to:

- Recognize and encourage outstanding performance;
- Improve satisfactory performance and further the growth of candidates who are performing satisfactorily;
- Identify areas which might need improvement and provide useful feedback for consideration; and,
- Identify and document unsatisfactory performance and offer assistance in achieving the required improvement.

### **Evaluation Criteria**

Evaluation of probationary faculty is performed in compliance with the procedures and criteria specified in the following articles and appendices of the *Agreement*: Article 6A, Article 10, Appendices A, J1, and J2. In addition, candidates must demonstrate effective judgment in implementing college policy. The information provided below, while not all-inclusive, is intended to clarify and emphasize the standards of performance common to the profession.

1. **Excellent job performance** in faculty assignment(s) as assessed by the criteria stated in the Evaluation Form for Faculty, Appendix J1, Section II appropriate to the discipline:
  - a. For faculty with teaching assignments, use of teaching methodology and materials that are:
    - 1) challenging to the student and appropriate to the subject matter;
    - 2) responsive to the needs of diverse students;
    - 3) consistent with departmental curriculum; and,
    - 4) conducive to a diversity of successful pedagogical approaches within the discipline; and/or,

- b. For faculty with non-teaching assignments, effective execution of assigned duties and responsibilities such as:
  - 1) communication and coordination with students, colleagues and administrators, as appropriate;
  - 2) program and resource development (including, where appropriate, budget planning);
  - 3) implementation of applicable articulation, accreditation, and licensing requirements; and,
  - 4) program leadership responsive to the needs of a diverse student population.
2. **Respect for students' rights** and support of student success as assessed by the criteria stated in the Evaluation Form for Faculty (Appendix J1, Section II) and in the Student Evaluation Form (Appendix J2) appropriate to the discipline. In addition, candidates must demonstrate:
  - a. patience, fairness, and promptness in the evaluation and discussion of student work; and
  - b. sensitivity and responsiveness to the needs of individual students and their diverse racial and ethnic backgrounds, sexual orientations, and physical and mental disabilities as appropriate.
3. **Respect for colleagues** and the teaching profession as assessed by the criteria stated in the Faculty Evaluation Form, Appendix J1, Section IA. In addition, candidates must demonstrate professionalism by:
  - a. valuing and defending a free inquiry of ideas and a diversity of opinion among associates;
  - b. working in cooperation with other faculty and staff to develop and maintain a positive and collegial academic atmosphere;
  - c. following departmental practices and/or fulfilling program agreements; and,
  - d. acting with personal integrity and in accordance with the ethics of the profession.<sup>1</sup>
4. **Professional contributions** (particularly during Phase III of the Tenure Review process) as assessed by the criteria stated in the Faculty Evaluation Form, Appendix J1, Section IB, and further elaborated in Article 10.7:

“The effective operation of the college, the philosophy of shared governance, the demands of the discipline, and the provisions of this *Agreement* depend upon professional contributions from full-time faculty. Faculty ordinarily contribute professionally to the District in one or more of the following areas, including but not limited to: research, creative activity (such as artistic performance, authorship, or the development of new learning materials), curriculum revision and development, special projects, division/department committees and task forces, institution-wide meetings and committees, hiring and tenure review committees,<sup>2</sup> peer and student evaluation of other faculty employees, participatory governance, Faculty Association,

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<sup>1</sup>See following “Statement on Professional Ethics” from the Council of the American Association of University Professors.

<sup>2</sup> Probationary candidates cannot serve on tenure review committees.

Academic Senates, student activities, community outreach, and relevant state, national, or professional organizations. Faculty employees shall use their own professional judgment in determining the nature and extent of their voluntary performance of these unassigned activities.”

5. **Professional growth activities** such as coursework, attendance at workshops, seminars, participation in publications, conference participation, artistic exhibits, performances, or other appropriate activities, as defined in the appropriate Faculty Salary Schedule, Appendix A.

### **Resources Available to the Candidate**

1. Mentoring

Mentoring by an experienced faculty member in the department or program provides an invaluable learning opportunity for the Candidate. A mentorship may be arranged by the Division Dean or appropriate administrator through the mutual agreement of the faculty member and the Candidate, or a Candidate may choose a faculty mentor who agrees to provide mentorship. A mentor shall not also serve as a member of the Candidate’s Tenure Review Committee during any of its phases.

2. In-Service Training

The teaching and staff resource centers on both campuses are available to assist in training and support for probationary faculty. They offer workshops, such as writing course information sheets (“green sheets”), teaching strategies with videotape feedback, and other teaching-related activities, that could assist new faculty and supplement the orientation program. Programs are coordinated with the Tenure Review Timelines but are also offered throughout the academic year.

## STATEMENT ON PROFESSIONAL ETHICS

*The statement which follows, a revision of a statement originally adopted in 1966, was approved by the Association's Committee on Professional Ethics, adopted by the Association's Council in June 1987, and endorsed by the Seventy-third Annual Meeting.*

### INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

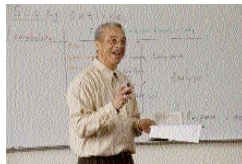
In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

### THE STATEMENT

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual

guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.<sup>3</sup>



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<sup>3</sup>American Association of University Professors, "Statement on Professional Ethics." August 2002 <[www.aaup.org/statements/Redbook/Rbethics.htm](http://www.aaup.org/statements/Redbook/Rbethics.htm)>

## ACTIVITIES AND TIMELINES

### TENURE, PHASE I

#### **Duration**

Two quarters: Fall and Winter quarters (of Year 1).

#### **Tenure Review Committee, Phase I**

Prior to the end of the preceding academic year, the Academic Senate begins the confirmation of appropriate tenured faculty to the Candidate's Tenure Review Committee. Normally, appointments are finalized during the second week of the Fall quarter. The Tenure Review Committee for Phase I is composed of five members: the Core Committee (consisting of three members - the Division Dean or appropriate administrator and two tenured faculty members from the division, at least one of whom, whenever possible, shall be from the same department as the Candidate) plus the Vice President and a third tenured faculty member appointed by the Academic Senate from the faculty at large, outside the division.

If the Candidate has a split assignment, the Core Committee shall, whenever possible, have one tenured faculty member from each division/program or service area. The faculty members are nominated by the division faculty and confirmed by the Academic Senate.

#### **Areas of Evaluation**

- Expertise in the discipline;
- Diversity of methodology and technique appropriate to the discipline;
- Ability to accept constructive suggestions for improvement; and,
- Rapport with diverse community college student population and colleagues.

#### **Evaluative Activities**

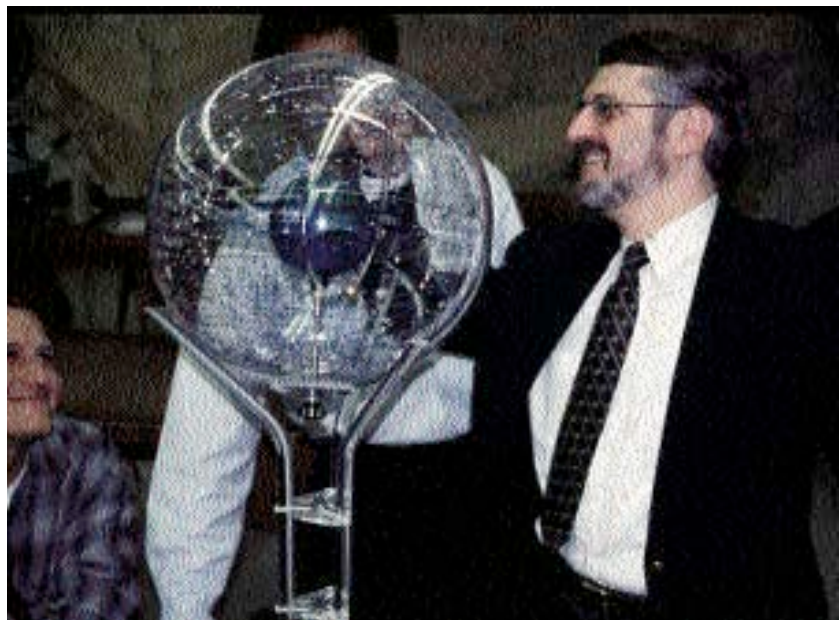
- Three (3) Probationary Evaluations (one by each member of the Core Committee); and,
- Two (2) Student Evaluations.



	<p>7. Prior to the start of the evaluation process, Chair provides Candidate, committee members, and Tenure Review Coordinator with a written plan stating the evaluative activities to be completed in Phase I.</p> <p>8. <b>Probationary Evaluation.</b> Each member of the Core Committee performs an evaluation using Appendix J1. If the Tenure Review Committee determines that additional probationary evaluations are necessary, the Vice President and the at-large faculty member shall each perform a probationary evaluation. At the discretion of the Tenure Review Committee, one or more members of the Core Committee may also perform an additional probationary evaluation.</p>	<p><b>Week 4</b></p> <p><b>Weeks 4-7</b></p>
<p><i>November/ December</i></p>	<p>9. <b>Student Evaluation.</b> Two classes/sections are required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>10. Committee meets in closed session to discuss the evaluations and schedule additional evaluations, if appropriate, through the end of Week 3 of Winter quarter.</p> <p>Subsequent to these deliberations, committee meets with the Candidate to review and assess performance for the quarter and plan further probationary and/or student evaluation if appropriate. Areas of performance deficiency, if any, that have been explicitly identified in the probationary evaluations will be discussed along with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues.</p> <p>11. Additional Fall quarter evaluative activities, if appropriate, may include further probationary evaluation and/or student evaluation. All evaluation must comply with standard procedures.</p> <p>12. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Weeks 6-9</b></p> <p><b>Week 10</b></p> <p><b>Week 11</b></p>

<b>Winter Quarter</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<i>January</i>	<ol style="list-style-type: none"> <li>1. Candidate submits Self-Evaluation to the Chair for inclusion in the Phase I evaluative materials.</li> <li>2. If scheduled, additional evaluative activities may include further probationary evaluation and/or student evaluation. All probationary evaluations must comply with standard procedures and be performed in accordance with the timelines for post-evaluation discussion and for the Candidate's response to the evaluation (in Section IV of Appendix J1). The completed and signed probationary evaluation must be available to the committee by the beginning of Week 4.</li> </ol>	<p><b>Week 1</b></p> <p><b>Weeks 2-3</b></p>
<i>February/ March</i>	<ol style="list-style-type: none"> <li>3. Candidate meets with the committee to discuss the student evaluations from Fall quarter. In addition, the committee discusses with the Candidate any additional evaluations that have been performed at the beginning of Winter quarter.  Subsequent to this discussion with the Candidate, committee meets in closed session to review all evaluative materials and produce the recommendation based on the first-year report. The recommendation shall be based exclusively upon criteria known to and discussed with the Candidate.</li> <li>4. Due Process complaints, if any, must be filed by the end of the fourth week of the quarter. The Due Process complaint is described in Article 6A, Sections 6A.16 through 6A.20, of the <i>Agreement</i>.</li> <li>5. <b>Committee Recommendation.</b> Committee or designated committee member(s) meet(s) with the Candidate to inform him or her of the committee's recommendation. The committee makes its recommendation based on the Appendix J1 and J2 evaluations, written criteria known to Candidate in accordance with section 6A.7, and performance areas identified to the candidate as needing improvement.</li> </ol>	<p><b>Week 4</b></p> <p><b>Week 4</b></p> <p><b>Week 4</b></p> <p><b>Week 5</b></p>

	<p>Following this meeting, committee submits a written recommendation to the President. The committee recommendation, if not unanimous, shall separately state a recommendation by the majority and the minority and be signed by the respective committee members.</p> <p>A copy of the committee recommendation and the originals of any additional evaluative material for Phase I are forwarded to the Tenure Review Coordinator. Chair forwards a copy of the recommendation to the Candidate and retains copies of the recommendation and all evaluative materials for the committee's file.</p>	
	6. President notifies committee in writing if he or she disagrees with its recommendation.	<b>Week 6</b>
	7. If the President and the committee agree on the recommendation, the President prepares a written recommendation and forwards it to the Chancellor.	<b>Week 6</b>
	8. If the President's recommendation differs from that of the committee, the President and the committee meet to attempt resolution of their differing recommendations.	<b>Week 7</b>
	<p>In the unlikely event that there is no single recommendation, the President presents a written recommendation, along with the written committee recommendation, to the Chancellor.</p>	
	9. On the basis of the recommendation(s) presented by the President and the committee, the Chancellor makes a written recommendation to the Board.	
	10. At least one week prior to the Board's discussion of the tenure recommendation, the President provides the Candidate with a copy of the President's recommendation if it differs from the committee recommendation.	
	11. Candidate receives written notice of continued employment for Phase II or "March 15 <sup>th</sup> Notice" in cases of termination.	<b>March 15</b>



## **ACTIVITIES AND TIMELINES**

### **TENURE, PHASE II**

#### **Duration**

Three quarters: Spring quarter (of Year 1); Fall and Winter quarters (of Year 2).

#### **Tenure Review Committee, Phase II**

The Phase II Tenure Review Committee is the same as for Phase I. If a change to the committee membership is necessary, the Senate confirms committee member replacements. Normally, appointments are finalized during the second week of the Spring quarter.

#### **Areas of Evaluation**

- Performance areas specified in Phase I;
- Demonstrated improvement in areas identified during Phase I;
- Participation in department/division/discipline activities;
- Ability to work effectively with members of the department and division; and,
- For program coordinators: organization skills and follow-through, ability to coordinate effectively with other college offices and departments and, if appropriate, outside agencies.

#### **Evaluative Activities**

- Five (5) Probationary Evaluations (one by each member of the committee);
- Four (4) Student Evaluations.

<b>Phase II</b> <b>Schedule of Activities</b>		
<b>Year 1</b> <b>Spring</b> <b>Quarter</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<i>April</i>	<ol style="list-style-type: none"> <li>1. Tenure Review Committee members attend in-service training session (provided by the Tenure Review Coordinator), as needed.</li> <li>2. Committee meets to review Phase I results, re-examine the job description, determine appropriate activities to be evaluated during Phase II, and establish a work schedule. At the same or a subsequent meeting, committee then meets with the Candidate to discuss criteria and expectations that will be evaluated in Phase II (including any program requirements and external standards related to the Candidate's assignment/s), and to preview a schedule for all the evaluative activities to be performed.  Candidate furnishes committee with written materials (such as course information sheets/"green sheets," syllabi, work/lesson plans, assessment tools, etc.) appropriate to the evaluation process.</li> <li>3. Vice President or Dean updates the committee in the event of changes in the Candidate's assignment, duties, or responsibilities. All such changes must be mutually agreed upon by the Candidate and the appropriate administrator.</li> <li>4. Prior to the start of the evaluation process, Chair provides Candidate, committee members, and the Tenure Review Coordinator with a written plan stating the evaluative activities to be completed in Phase II.</li> </ol>	<p><b>Weeks 2-4</b></p> <p><b>Weeks 2-4</b></p> <p><b>Week 4</b></p>
<i>May/June</i>	<ol style="list-style-type: none"> <li>5. <b>Probationary Evaluation.</b> At least two, but not more than three, committee members perform an evaluation using Appendix J1.</li> </ol>	<p><b>Weeks 4-7</b></p>

	<p>6. <b>Student Evaluation.</b> Two classes/sections are required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>7. Additional Spring quarter evaluative activities, if appropriate, may include further probationary evaluation and/or student evaluation. All evaluations must comply with standard procedures.</p> <p>8. Committee meets in closed session to review all evaluation results.</p> <p>Subsequent to these deliberations, committee meets with the Candidate to review and assess performance for the quarter. Areas of performance deficiency, if any, that have been explicitly identified in the probationary evaluations will be discussed along with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues during subsequent quarters of Phase II.</p> <p>9. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the Committee's file.</p>	<p><b>Weeks 6-9</b></p> <p><b>Weeks 4-10</b></p> <p><b>Week 11</b></p>
<b>Year 2 Fall Quarter</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<i>September/ October</i>	<p>1. Tenure Review Committee members attend in-service training session (provided by the Tenure Review Coordinator), as needed.</p> <p>2. If schedule or membership changes or any other issues necessitate, Candidate and committee meet to discuss criteria and expectations for remainder of Phase II, and schedule appropriate evaluative activities to be performed. Candidate furnishes committee with written materials (such as course information sheets/ “green sheets,” syllabi, work/lesson plans, assessment tools, etc.) appropriate to the evaluation process.</p>	<b>Weeks 2-4</b>

	<p>3. Prior to the start of the evaluation process, Chair provides Candidate, committee members, and Tenure Review Coordinator with any changes to the plan, in writing, stating the evaluative activities to be completed in Fall and Winter quarters of Phase II.</p> <p>4. <b>Probationary Evaluation.</b> Committee members who did not evaluate in Spring Quarter each perform an evaluation using Appendix J1.</p>	<p><b>Week 4</b></p> <p><b>Weeks 4-7</b></p>
<p><i>November/ December</i></p>	<p>5. <b>Student Evaluation.</b> Two classes/sections are required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>6. Committee meets in closed session to discuss the evaluations and schedule additional evaluations, if appropriate, through the end of Week 3 of Winter quarter.</p> <p>Subsequent to these deliberations, committee meets with the Candidate to review and assess performance for the quarter and plan further probationary and/or student evaluation, if appropriate. Areas of performance deficiency, if any, that have been explicitly identified in the probationary evaluations will be discussed along with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues.</p> <p>7. Additional Fall quarter evaluative activities, if appropriate, may include further probationary evaluation and/or student evaluation. All evaluation must comply with standard procedures.</p> <p>8. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Weeks 6-9</b></p> <p><b>Week 10</b></p> <p><b>Week 11</b></p>

<b>Winter Quarter</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<i>January/ February</i>	<ol style="list-style-type: none"> <li data-bbox="396 317 1089 386">1. Candidate submits Self-Evaluation to the Chair for inclusion in the Phase II evaluative materials.</li> <li data-bbox="396 428 1110 789">2. If scheduled, additional evaluative activities may include further probationary evaluation and/or student evaluation. All probationary evaluation must comply with standard procedures and be performed in accordance with the timelines for post-evaluation discussion and for the Candidate's response to the evaluation (in Section IV of Appendix J1). The completed and signed probationary evaluation must be available to the committee by the beginning of Week 4.</li> <li data-bbox="396 831 1089 1010">3. Candidate meets with the committee to discuss the student evaluations from Fall quarter. In addition, the committee discusses with the Candidate any additional evaluations that have been performed at the beginning of Winter quarter.  Subsequent to this discussion with the Candidate, committee meets in closed session to review all evaluative materials and produce the recommendation based on the second-year report. The recommendation shall be based exclusively upon criteria known to and discussed with the Candidate.</li> <li data-bbox="396 1346 1110 1486">4. Due Process complaints, if any, must be filed by the end of the fourth week of the quarter. The Due Process complaint is described in Article 6A, Sections 6A.16 through 6A.20, of the <i>Agreement</i>.</li> <li data-bbox="396 1528 1089 1850">5. <b>Committee Recommendation.</b> Committee or designated committee member(s) meet(s) with the Candidate to inform him or her of the committee's recommendation. The committee makes its recommendation based on the Appendix J1 and J2 evaluations, written criteria known to Candidate in accordance with section 6A.7, and performance areas identified to the candidate as needing improvement.</li> </ol>	<p data-bbox="1243 317 1346 348"><b>Week 1</b></p> <p data-bbox="1224 428 1365 459"><b>Weeks 2-3</b></p> <p data-bbox="1243 831 1346 863"><b>Week 4</b></p> <p data-bbox="1243 1346 1346 1377"><b>Week 4</b></p> <p data-bbox="1243 1528 1346 1560"><b>Week 5</b></p>



## ACTIVITIES AND TIMELINES

### TENURE, PHASE III

#### Duration

Six quarters: Spring quarter (of Year 2); Fall, Winter, and Spring quarters (of Year 3); Fall and Winter quarters (of Year 4).

#### Tenure Review Committee, Phase III

The Tenure Review Committee for Phase III consists of the Core Committee who will consult with the Vice President throughout the final phase of the tenure review process. The Vice President may attend meetings and provide input and consultation to the committee but he or she shall not be a voting member in the committee's final recommendation. In the unlikely event that the Vice President disagrees with the committee's recommendation, the Vice President may make an independent recommendation to the President for the President's consideration.

#### Areas of Evaluation

- Performance areas specified in Phases I and II;
- Demonstrated improvement in areas identified during Phase II;
- Professional contributions/service as defined in Article 10.7; and,
- Professional growth.

#### Evaluative Activities and Timelines

- Three (3) Probationary Evaluations

Each member of the Core Committee performs one probationary evaluation. The committee and the Candidate agree upon a schedule to complete three (3) probationary evaluations in separate quarters during Phase III, at least one of which must be performed in Spring quarter of Year 3. The committee may also perform additional probationary evaluations, if appropriate.

- Five (5) Student Evaluations

One student evaluation is required during each quarter of Phase III, through the Fall quarter of Year 4. The class/section is determined by the committee. Additional

student evaluations may be performed, if appropriate.

- **Consultative Evaluation** The Vice President may also perform a probationary evaluation of the Candidate using Appendix J1 during Phase III, provided that the evaluation occurs no later than the fourth week of the Spring quarter of Year 3. The evaluation may be initiated by the Vice President, the committee, or the Candidate. As prescribed in Article 6A.3.4.2 and 6A.3.4.3, procedures for a consultative evaluation include a follow-up evaluation by a faculty member on the Core Committee. In the event of a consultative evaluation:



- a) The Vice President will notify the Candidate and the committee one week in advance of the evaluation date. After completing the evaluation and the required post-evaluation discussion with the Candidate, the Vice President meets with the committee in closed session to review evaluation results. Subsequent to these deliberations, the committee meets with the Candidate to discuss the consultative evaluation. Areas of performance deficiency, if any, are explicitly identified in writing with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues during subsequent quarters of Phase III;
- b) The Core Committee shall elect one of its faculty members to perform a follow-up evaluation (using Appendix J1) that includes the performance area(s) evaluated by the Vice President, during either the same or the subsequent quarter. The consultative and follow-up evaluations shall be performed in addition to the three probationary evaluations required during Phase III.

### **Core Committee Meetings**

During Phase III, the Core Committee will meet during Spring quarter of Year 2, Winter quarter of Year 3, and Fall and Winter quarters of Year 4. The committee may schedule additional meetings at the request of the Chair or any member of the committee, the Candidate, or the Vice President. Committee meetings will follow the same format as in prior phases:

- Committee meets in closed session to discuss evaluation results and, subsequent to these deliberations, the committee meets with the Candidate to review and assess performance.
- Areas of performance deficiency, if any, that have been explicitly identified in the probationary evaluations will be discussed along with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues.

<b>Phase III Schedule of Activities</b>		
<b>Year 2</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<b>Spring Quarter</b>	<ol style="list-style-type: none"> <li>1. Core Committee members attend in-service training session (provided by the Tenure Review Coordinator), as needed.</li> <li>2. The committee meets to review Phase I and Phase II results, re-examine the job description, determine appropriate activities to be evaluated during Phase III, and establish a work schedule. At the same or a subsequent meeting, the committee then meets with the Candidate to review criteria and expectations that will be evaluated during Phase III (including any program requirements and external standards related to the Candidate's assignment/s).  The committee and Candidate agree upon a schedule to complete 3 probationary evaluations in separate quarters during Phase III, at least one of which must be performed in Spring Quarter, Year 3. Additional probationary evaluations may be scheduled, if appropriate.  Candidate furnishes committee with written materials (such as course information sheets/"green sheets," syllabi, work/lesson plans, assessment tools, etc.) appropriate to the evaluation process.</li> <li>3. Vice President or Dean updates the committee in the event of changes in the Candidate's assignment, duties, or responsibilities. All such changes must be mutually agreed upon by the Candidate and the appropriate administrator.</li> <li>4. Prior to the start of the evaluation process, Chair provides the Candidate, committee members, and the Tenure Review Coordinator with a written plan stating the evaluation activities to be completed in Phase III.</li> </ol>	<p><b>Weeks 2-4</b></p> <p><b>Weeks 2-4</b></p>

	<p>During the remainder of Phase III, the Chair provides Candidate, committee members, and Tenure Review Coordinator with any changes to the plan, in writing, prior to the start of the evaluative activities during the affected quarter(s.)</p> <p>5. <b>Probationary Evaluation, <i>if scheduled</i>.</b> Core Committee member performs evaluation using Appendix J1.</p> <p>6. <b>Student Evaluation.</b> One class/section is required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>7. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Week 4</b></p> <p><b>Weeks 4-7</b></p> <p><b>Weeks 6-9</b></p> <p><b>Week 11</b></p>
<b>Year 3</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<b>Fall Quarter</b>	<p>1. Core Committee members attend in-service training session (provided by the Tenure Review Coordinator), as needed.</p> <p>2. <b>Probationary Evaluation, <i>if scheduled</i>.</b> Core Committee member performs an evaluation using Appendix J1.</p> <p>3. <b>Student Evaluation.</b> One class/section is required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>4. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Weeks 4-7</b></p> <p><b>Weeks 6-9</b></p> <p><b>Week 11</b></p>
<b>Winter Quarter</b>	<p>1. <b>Probationary Evaluation, <i>if scheduled</i>.</b> Core Committee member performs an evaluation using</p>	<b>Weeks 4-7</b>

	<p>Appendix J1.</p> <ol style="list-style-type: none"> <li>2. Due Process complaints, if any, must be filed by end of the fourth week of the quarter. The Due Process complaint is described in Article 6A, Sections 6A.16 through 6A.20, of the <i>Agreement</i>.</li> <li>3. <b>Student Evaluation.</b> One class/section is required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</li> <li>4. Committee meets in closed session to review evaluation results to date.</li> </ol> <p>Subsequent to these deliberations, committee meets with the Candidate to review and assess performance for the quarter. In addition, Candidate provides committee with preliminary report of professional growth activities and professional contributions (such as committee service, workshops, courses, artistic exhibits, etc.). Areas of performance deficiency, if any, that have been explicitly identified in the probationary evaluations will be discussed along with suggestions for improvement, and the Candidate shall have reasonable opportunity to address these issues during subsequent quarters of Phase III.</p> <ol style="list-style-type: none"> <li>5. Committee/Chair reports to/meets with the Vice President on progress of the Candidate and, if necessary, arranges a date for the consultative evaluation by the Vice President. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</li> </ol>	<p><b>Week 4</b></p> <p><b>Weeks 6-9</b></p> <p><b>Week 11</b></p>
<b>Spring Quarter</b>	<ol style="list-style-type: none"> <li>1. <b>Probationary Evaluation.</b> Core Committee member performs an evaluation using Appendix J1.</li> <li>2. Deadline for <b>Consultative Evaluation</b>, <i>if scheduled</i>. If the Vice President performs a Consultative Evaluation (a probationary evaluation</li> </ol>	<p><b>Weeks 4-7</b></p> <p><b>Week 4</b></p>

	<p>of the Candidate using Appendix J1), it must occur no later than the end of the fourth week of the Spring quarter.</p> <p>When the Vice President performs a consultative evaluation during Phase III, the Core Committee shall elect one of its faculty members to perform a follow-up evaluation that includes the performance area(s) evaluated by the Vice President. This evaluation shall be performed in addition to the three probationary evaluations required during Phase III.</p> <p>3. <b>Student Evaluation.</b> One class/section is required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>4. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Weeks 6-9</b></p> <p><b>Week 11</b></p>
<b>Year 4</b>	<b>Activity</b>	<b>Timelines</b> (by weeks of the quarter)
<b>Fall Quarter</b>	<p>1. Chair meets with the Candidate to schedule the remaining student evaluation and any additional probationary evaluation, if appropriate.</p> <p>2. <b>Probationary Evaluation, if scheduled.</b> Core Committee member performs an evaluation using Appendix J1.</p> <p>3. <b>Student Evaluation.</b> One class/section is required and determined by the committee. Committee members are required to distribute, collect, and tabulate all student evaluations and shall not delegate these responsibilities to any other person.</p> <p>4. Due Process complaints, if any, must be filed by the fourth week of the quarter. The Due Process complaint is described in Article 6A, Sections 6A.16 through 6A.20, of the <i>Agreement</i>.</p>	<p><b>Week 3</b></p> <p><b>Weeks 4-7</b></p> <p><b>Weeks 6-9</b></p> <p><b>Week 4</b></p>

	<p>5. Committee meets in closed session to review all evaluation results.</p> <p>Subsequent to these deliberations, committee meets with the Candidate to review and assess performance during Phase III. Candidate provides committee with final report of professional growth activities and professional contributions (such as committee service, workshops, courses, artistic exhibits, etc.).</p> <p>6. Chair forwards all original evaluative material to the Tenure Review Coordinator (according to procedures established on each campus) and retains copies for the committee's file.</p>	<p><b>Week 9</b></p> <p><b>Week 11</b></p>
<b>Winter Quarter</b>	<p>1. Candidate submits a final Self-Evaluation to the Chair for inclusion in the Phase III evaluative materials. Candidate includes similar content and criteria as in Phase I and II, as well as a discussion of professional growth activities and professional contributions (as described in "Evaluation Goals and Criteria" in this Handbook).</p> <p>2. Candidate meets with the committee to discuss the Candidate's performance during Phase III, including professional growth and contributions.</p> <p>Subsequent to this discussion with the Candidate, committee meets in closed session to review all evaluative materials and produce the recommendation based on the Phase III report. The recommendation shall be based exclusively upon criteria known to and discussed with the Candidate.</p> <p>3. <b>Committee Recommendation.</b> The committee or designated committee member(s) meet(s) with the Candidate to inform him or her of the committee's recommendation. The committee makes its recommendation based on the Appendix J1 and J2 evaluations, written criteria known to Candidate in accordance with section 6A.7, and performance areas identified to the candidate as needing improvement.</p>	<p><b>Week 1</b></p> <p><b>Week 3</b></p> <p><b>Week 4</b></p>

Following this meeting, the committee submits a written recommendation to the President with a copy to the Vice President. The committee recommendation, if not unanimous, shall separately state a recommendation by the majority and the minority and be signed by the respective committee members.

In the unlikely event that the Vice President disagrees with the committee's recommendation, he or she may submit an independent recommendation to the President with a copy to the Chair.

A copy of the committee recommendation, the recommendation by the Vice President (if he or she submitted an independent recommendation to the President), and the originals of any additional evaluative materials for Phase III are forwarded to the Tenure Review Coordinator. Chair forwards a copy of the recommendation(s) to the Candidate and retains copies of the recommendation(s) and all evaluative materials for the committee's file.

4. President notifies the committee in writing if he or she disagrees with its recommendation.

**Week 5**

5. If the President and the committee agree on the recommendation, the President prepares a written recommendation and forwards it to the Chancellor.

**Week 5**

6. If the President's recommendation differs from that of the committee, the President and the committee meet to attempt resolution of their differing recommendations.

**Week 6**

In the unlikely event that there is no single recommendation, the President presents a written recommendation, along with the written committee recommendation, to the Chancellor.

7. On the basis of the recommendation(s) presented by the President and the committee, the Chancellor makes a written recommendation to the Board.

	<ol style="list-style-type: none"> <li>8. At least one week prior to the Board's discussion of the tenure recommendation, the President provides the Candidate with a copy of the President's recommendation if it differs from the committee recommendation.</li> <li>9. Candidate receives written notice of tenure or "March 15th Notice" in cases of termination.</li> </ol>	<p><b>March 15</b></p>
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## ARTICLE 6A

### EVALUATION OF PROBATIONARY (CONTRACT) FACULTY EMPLOYEES FOR TENURE

#### **Purpose and Overview of the Probationary Period**

6A.1 The purpose of the probationary period is to give the probationary faculty employee who is a candidate for tenure the opportunity to demonstrate to the Board of Trustees that he or she meets the standards established by the Board for the granting of tenure. The tenure review process is a rigorous process of evaluation during which a review of the candidate's performance is conducted and a recommendation is made to the Board of Trustees, which makes the final decision on whether to grant tenure to the candidate. This article describes the process by which the recommendation to the Board is formulated, the criteria upon which the recommendation is made, and the avenues of appeal available to the candidate. All the procedures, requirements, and timelines of the probationary period are fully delineated in the Tenure Review Handbook that is an extension of this article.

6A.1.1 The tenure review process is a four-year period, divided into three phases. Phase I is Fall and Winter quarter of the first year. Phase II is Spring quarter of the first year and Fall and Winter quarters of the second year. Phase III begins in Spring quarter of the second year and ends in Winter quarter of the fourth year. Phase I shall begin in the Fall quarter of the academic year, regardless of the probationary faculty employee's first day of service as a full-time faculty employee.

6A.1.2 To support the probationary faculty employee throughout the tenure review process, the college provides on-going tenure review workshops, new faculty orientations, and the assistance of the Tenure Review Coordinator (as described in Section 6A.2). In addition, the candidate is encouraged to participate in campus and District programs that promote professional growth and improvement of instruction.

Probationary faculty are advised that, while not a condition for attaining tenure, they must satisfy the nine (9) quarter unit professional growth activity requirement in accordance with Appendix A by the end of the four-year tenure process in order to continue advancement on the salary schedule.

#### **Tenure Review Coordinator**

6A.2 A Tenure Review Coordinator shall be appointed by the President of each campus with the concurrence of FA and each campus Academic Senate to a two-year renewable term to coordinate all tenure review activities including training and implementation of the Tenure Review Handbook within the provisions of this Article. In addition, the Tenure

Review Coordinator shall assist the candidate in understanding the tenure review process and/or resolving concerns he or she may have about the procedures or membership of the tenure review committee.

6A.2.1 The Tenure Review Coordinator position shall be a “special assignment” under Article 25.

### **Tenure Review Committees**

6A.3 For each probationary faculty employee, a Tenure Review Committee shall be formed as follows:

6A.3.1 In Phases I and II, the Tenure Review Committee shall consist of five members: the Core Committee (described below) plus the Vice President and a third tenured faculty member appointed by the Academic Senate from the faculty at large, outside the division.

6A.3.1.1 The Core Committee, composed of the Division Dean or appropriate administrator, and two tenured faculty from the division, at least one of whom, whenever possible, shall be from the same department as the probationary faculty employee. Members of the Core Committee shall serve for the duration of the probationary faculty employee’s tenure review period unless replaced in accordance with Section 6A.64.6.

6A.3.1.2 Two tenured faculty members (from the department where possible) shall be nominated by the appropriate division faculty and confirmed by the Academic Senate. The third tenured faculty member shall be appointed by the Academic Senate from the faculty at large but outside the division.

6A.3.1.3 When a probationary faculty employee has a “split assignment,” that is, an assignment in more than one division or program, or an assignment in one division that serves a special student population in another division, the Core Committee shall, whenever possible, have one tenured faculty member from each of the divisions or service areas.

6A.3.1.4 The Chair of the Tenure Review Committee shall be a member of, and elected by, the Core Committee. Tenured faculty members may serve as committee chair but any faculty member who wishes not to serve as chair is free to decline.

6A.3.2 In Phase I, at least three probationary evaluations shall be performed, one by each of the Core Committee members. If the Tenure Review Committee determines that additional probationary evaluations are necessary, the Vice

President and the at-large faculty member shall each perform a probationary evaluation. At the discretion of the Tenure Review Committee, one or more members of the Core Committee may also perform an additional probationary evaluation.

6A.3.3 In Phase II, each member of the Tenure Review Committee shall perform at least one probationary evaluation.

6A.3.4 In Phase III, the Tenure Review Committee shall be the Core Committee who shall consult with the Vice President throughout the final phase of the tenure review process. The Vice President may attend meetings and provide input and consultation to the committee, but he or she shall not be a voting member in the committee's final recommendation.

6A.3.4.1 Each member of the Core Committee shall perform at least one probationary evaluation.

6A.3.4.2 Notwithstanding Section 6A.12, the Vice President may perform a consultative evaluation during Phase III as described in the Tenure Review Handbook. The evaluation may be initiated by the Vice President, the committee, or the probationary faculty employee.

6A.3.4.3 When the Vice President performs a consultative evaluation during Phase III, the Core Committee shall elect one of its faculty members to perform a follow-up evaluation that includes the performance area(s) evaluated by the Vice President. This evaluation shall be performed in addition to the three probationary evaluations required during Phase III.

### **Responsibilities of Tenure Review Committee Members**

6A.4 The following shall apply to all Tenure Review Committee members as described in Section 6A.3:

6A.4.1 In no case shall any member of the Tenure Review Committee also serve as a formal or informal mentor to the probationary faculty employee.

6A.4.2 Tenure Review Committee members shall respect the confidentiality of the tenure review process, with evaluations and the views of members regarded as confidential information.

6A.4.3 Tenure Review Committee members shall maintain objectivity in performing their evaluative responsibilities. To that end, members shall disqualify themselves if they believe they cannot maintain impartiality toward a candidate.

- 6A.4.3.1 Whenever possible, no more than one faculty member from the candidate's hiring committee shall serve on the tenure review committee.
- 6A.4.3.2 Every effort shall be made to create tenure review committee membership with representation from different ideologies or pedagogies in the discipline.
- 6A.4.3.3 All committee members shall respect the academic freedom of the candidate to employ pedagogy or methodology appropriate to the discipline but which differs from the instructional practices of the individual committee members.
- 6A.4.4 Tenure Review Committee members shall not delegate their evaluation responsibilities, including the distribution and tabulation of student evaluations, to any other employee.
- 6A.4.5 Before beginning their evaluation duties, all Tenure Review Committee members shall have completed an in-service training session specifically designed to 1) familiarize them with timelines and procedures; 2) emphasize the constructive nature of the tenure review process; 3) review the academic freedom rights and responsibilities of the probationary faculty employee; 4) define cultural competence and increase awareness of the behaviors and attitudes that support faculty diversity; and, 5) enable members to identify bias and maintain objectivity.
  - 6A.4.5.1 Whenever substantive changes occur in Article 6A and/or the Tenure Review Handbook, Tenure Review Committee members shall complete an in-service training session.
- 6A.4.6 When extenuating circumstances (such as Professional Development Leave, long-term sick leave, scheduling conflicts, retirement, etc.) arise, the committee member shall, whenever possible, serve until the end of a phase and then be replaced.
  - 6A.4.6.1 Faculty replacements shall be nominated by the appropriate division faculty and confirmed by the campus Academic Senate.
  - 6A.4.6.2 Administrative replacements shall be appointed by the President.

#### **Completion of Service on a Tenure Review Committee**

- 6A.4.7 Faculty members who serve as members of a Tenure Review Committee shall receive one (1) quarter unit of professional growth activity and a Tenure Review Committee Chair shall receive two (2) quarter units of professional growth activity for the completion of regular and continuous service in each designated

phase of the tenure review process as defined in the Tenure Review Handbook. These units of professional growth activities shall be applicable under Article 38.4.3 and/or Professional Growth Activity 1.3 of Appendices A and B of this *Agreement*. Alternatively, instead of receiving professional growth activity units, the faculty member may use tenure review committee service as special service for the Professional Achievement Award under Article 38.5.

6A.4.7.1 In order to receive the appropriate professional growth unit(s) for the designated phase, the faculty member shall complete in a timely manner all evaluation duties delegated to him or her by the Tenure Review Committee. Failure to provide completed evaluation documents in accordance with the established timelines may result in loss of unit credit.

6A.4.7.2 If the Tenure Review Coordinator is concerned about a Tenure Review Committee member's performance of his or her committee responsibilities in a timely manner, the Tenure Review Coordinator shall request to meet with the committee member in an attempt to resolve the issue. If necessary, the Tenure Review Coordinator may consult with the committee member's Dean or administrative supervisor, who may remove the member from the Committee if, in his or her professional judgment, the committee member's continuation could seriously impair the tenure review process. In such a case, the Tenure Review Coordinator shall seek a replacement on the committee as provided by Section 6A.4.6.1 or Section 6A.4.6.2, as appropriate.

6A.5 The Tenure Review Committee Chair shall be responsible for calling meetings, coordinating activities of the committee, representing the committee to the Tenure Review Coordinator and any management employees, and other officially designated duties.

### **Evaluation Criteria Used by the Tenure Review Committee**

6A.6 Criteria to be considered in the official evaluation and tenure review of probationary faculty have been developed by District faculty and administrators. These criteria, which serve as standards for the evaluation itself, are elaborated in the Tenure Review Handbook. These criteria shall include:

6A.6.1 Performance in classroom teaching or in the fulfillment of other primary responsibilities specifically listed in the employment job description;

6A.6.2 Demonstration of respect for students' rights and support of student success;

6A.6.3 Demonstration of respect for colleagues and the teaching profession;

- 6A.6.4 Professional contributions; and,
- 6A.6.5 Professional growth activities. (Requirements for step advancement are specified under “Professional Growth Activities” in Appendix A of this *Agreement*.)
- 6A.7 Criteria not included in Section 6A.6 shall not be used in the evaluation process nor be a part of the Tenure Review Committee’s recommendations unless such exceptional criteria have been discussed with and agreed upon in writing by the probationary faculty employee.
- 6A.7.1 The use of these exceptional criteria in the evaluation process shall be determined by the peculiar situation or demands related to the probationary faculty employee’s primary assignment.
- 6A.7.2 The appropriate Vice President or Dean shall inform the Tenure Review Committee and the probationary faculty employee of any program requirements or standards related to the probationary faculty employee’s assignment(s).
- 6A.8 The evaluation may be based upon information obtained through the use of videotape or other recording devices only with the written permission of the probationary faculty employee.
- 6A.9 No anonymous letters or material shall be used in the tenure review process in any form nor shall such materials be referenced in any evaluation or Tenure Review Committee records.
- 6A.10 No evaluation shall be based upon information unrelated to the probationary faculty employee’s performance as specified in Sections 6A.6 and 6A.7. All evaluation materials shall be in writing and shown to the probationary faculty employee, who has the option of signing or not signing the material. If the employee chooses not to sign the material, the decision shall be so noted and dated by the evaluator.
- 6A.11 The private life of a probationary faculty employee, including religious, political, and organizational affiliations, or sexual orientation, shall not be a part of the probationary faculty employee’s evaluation and tenure review process in any manner whatsoever.

### **Evaluation of Probationary Faculty Employees**

- 6A.12 The evaluation of probationary (contract) faculty employees shall be performed by the Tenure Review Committee and shall take place according to the provisions and timelines contained in this article and as elaborated in the District Tenure Review Handbook, a copy of which shall be given to each employee upon his or her employment in the District.

- 6A.12.1 Any changes in the District Tenure Review Handbook shall be subject to the negotiations process. The probationary faculty employee's tenure review process shall be governed by Article 6A and the Tenure Review Handbook current at the time of his or her hire, unless otherwise negotiated. If such a negotiated change occurs, all affected probationary faculty employees, tenure review committee members, the Tenure Review Coordinators, the Academic Senate Presidents, and senior administrators involved in the tenure review process shall be notified of an applicable change and the way in which it will be implemented.
- 6A.12.2 Probationary evaluations by committee members shall be performed and recorded on the "Administrative and Peer Evaluation Form for Faculty" (Appendix J1 of the *Agreement*) in accordance with the timelines established in the Tenure Review Handbook for each phase of the tenure review process.
- 6A.12.3 Student evaluations shall be performed and recorded on the "Student Evaluation Form" (Appendix J2 of the *Agreement*).
- 6A.12.3.1 The Student Evaluation Form shall be distributed and collected by a member of the Tenure Review Committee and completed in the absence of the faculty candidate. The committee member shall process the responses to "Part A" of the Student Evaluation Form, attach the Scantron Tally Sheet to Appendix J3, complete and sign J3, and give these materials to the chair of the committee who shall meet with the committee and the candidate to review the results.
- 6A.12.3.2 "Part B" of the Student Evaluation Form shall be given to the chair of the committee. The Part B responses shall be reviewed by the members of the Tenure Review Committee and by the candidate after submission of final grades for the quarter. In no case shall such materials become part of the written reports and recommendations of the committee.
- 6A.12.3.3 After the committee and candidate review the Part A and Part B responses, the original student scantrons and narratives shall be given to the candidate.
- 6A.12.3.4 The number and timing of student evaluations for each phase in the tenure review process is described in the Tenure Review Handbook.
- 6A.12.3.5 A probationary evaluation and a student evaluation shall not be performed at the same time, i.e., on the same day and during the same academic hour(s).

- 6A.12.3.6 A Tenure Review Committee member responsible for performing both a probationary evaluation and a student evaluation during the same quarter shall provide the completed probationary evaluation to the candidate before conducting the student evaluation.
- 6A.12.4 Administrators, faculty or staff members with first hand knowledge of a probationary faculty employee's professional performance may voluntarily share that knowledge with the Committee in person or through a signed statement, but such information shall not be construed as an official evaluation of the employee nor become part of the employee's personnel file. When such information is provided, the committee shall determine whether it is timely, relevant, valid, and substantive, and decide whether to pursue corroborative investigation through first-hand evaluation by one or more committee members.

### **Schedule of Evaluation Activities and Timelines**

- 6A.13 The Schedule of Activities and Timelines within which the evaluation and tenure review process shall occur are delineated in the Tenure Review Handbook. While these timelines are not meant to be understood or interpreted as rigid and absolute, they are essential to a fair, professional, and objectively administered process.
  - 6A.13.1 To provide needed flexibility, the written timelines shall be adhered to within a period of five working days before and five working days after the stated times and dates, except for the conditions specified in Section 6A.15.
- 6A.14 The Tenure Review Committee shall meet with the probationary faculty employee to review the criteria and performance areas that will be evaluated, including any program requirements and external standards related to the probationary faculty employee's assignment(s). The Tenure Review Committee Chair, as specified in Section 6A.5, shall be responsible for the construction of a written schedule of meetings and evaluative activities so as to conform to Sections 6A.13 and 6A.13.1. A copy of this schedule shall be delivered to the probationary faculty employee, the committee members, and the Tenure Review Coordinator within five working days of the committee's first meeting with the probationary faculty employee.
  - 6A.14.1 When a probationary faculty employee has a "dual assignment" that is, a primary assignment for instruction, counseling, or learning resources that also includes program coordination or direction, program responsibilities shall be evaluated by at least one administrator and one faculty member of the committee during each phase of the tenure review process.
- 6A.15 In the event of unusual or unforeseen circumstances that might cause the Tenure Review Committee to be unable to adhere to the timeline schedule as specified in Section 6A.13.1, the committee, on the basis of a majority vote, may make a request to alter the timelines. The Tenure Review Committee Chair, after informing the

probationary faculty employee, shall submit a written request to change the timeline schedule, along with the probationary faculty employee's comments, if any, to the President or designee and to the Tenure Review Coordinator, outlining the reasons and conditions for the request. The President or designee shall respond to the chair's request within two working days stating reasons for either granting or denying the request. A copy of this written response shall be delivered to the probationary faculty employee.

### **Tenure Review Due Process Panel**

- 6A.16 A Tenure Review Due Process pool shall be formed during the Spring Quarter of each academic year for the following academic year. FA and the Academic Senate shall each appoint two tenured college faculty members, and the President shall appoint two college administrators to the pool. Each college pool shall then elect its own chair. Each member of the pool shall complete the Tenure Review Committee in-service training described in Section 6A.4.5 before serving on a due process panel.
- 6A.17 From each college pool, as specified in Section 6A.16, a three-member Due Process Panel consisting of one representative from each of the three units shall be appointed by the chair to serve as a hearing body. When appropriate, the chair may serve as one of the three members of the panel. The Due Process Panel shall exist to act as a hearing body in the event that a probationary faculty employee, a Tenure Review Committee member, the Tenure Review Coordinator, or other staff member alleges that a due process complaint should be filed. A complaint may be so filed if it alleges that:
- 6A.17.1 A probationary faculty employee is being subjected to biased treatment during the tenure review process; or
  - 6A.17.2 Board policy and/or the process/ timelines established in the Handbook are not being followed.
  - 6A.17.3 Prior to invoking the due process procedure, complainants shall make a good faith effort to resolve issues within the committee or with the assistance of the committee chair and the Tenure Review Coordinator.
- During the tenure review process, the Due Process Panel shall not be responsible for the substantive issues involving recommendations to grant or deny tenure. Substantive issues involved in a negative decision on tenure by the Board during the third or fourth probationary year shall be reviewable through a special grievance. This grievance shall be governed by applicable provisions of Article 5 (Grievance Procedure) commencing with Section 5.3. Nothing in this process shall be inconsistent with legal requirements; furthermore, Education Code Section 87610.1(c) and (d) shall specifically apply.
- 6A.18 Due process complaints shall be filed in writing with the Tenure Review Coordinator of the respective college. The Tenure Review Coordinator shall immediately notify the panel chair and the President or designee.

- 6A.18.1 If the Tenure Review Coordinator is part of the complaint, the complaint shall be filed directly with the panel chair who shall then notify the President.
- 6A.18.2 Due process complaints shall be filed before the end of the fourth week of the Winter Quarter of the academic year. During the fourth academic year, Phase III due process complaints shall be filed by the fourth week of the Fall Quarter. If an untimely complaint is raised, the person filing the complaint shall demonstrate why he or she could not have discovered the alleged violation in a timely manner. The panel shall then make the decision whether to act on the complaint or reject it as untimely.
- 6A.19 The college due process chair shall direct the three-member Due Process Panel as specified in Section 6A.17 to act on the complaint. The party filing the complaint shall provide the Due Process Panel with a written statement specifying the alleged bias or procedural violation. The Due Process Panel shall examine the complaint(s), meet with members of the Tenure Review Committee and others deemed necessary, and confer with the respective probationary faculty employee. The Due Process Panel shall not be required to conduct a “trial-type” evidentiary hearing.
- 6A.19.1 All discussions and deliberations shall be held in strict confidence. Information in writing or otherwise regarding an issue brought before the Due Process Panel should not be shared with anyone not directly involved in the process. Decisions to include others on a need-to-know basis shall be made by the panel. No unsigned material shall be considered. Any person against whom allegations are made within the due process procedure has a right to examine the allegation and to respond accordingly.
- 6A.20 The Due Process Panel shall, within fifteen working days following the filing of a complaint as specified in Section 6A.19, render its findings and recommendations in a written report to the President with copies to the probationary faculty employee, the Tenure Review Committee Chair, the Tenure Review Coordinator, and the faculty member(s) and/or administrator(s) named in the complaint.
- 6A.20.1 If the panel unanimously finds the complaint to be valid, the President shall, in a timely manner, direct the implementation of the recommendations contained in the report to the extent permitted by law. If the recommendations are inconsistent with any legal statutes or regulations the President shall provide both the panel and the Faculty Association with a rationale for not implementing the recommendations and shall work with the panel to reach acceptable recommendations.
- 6A.20.2 If the panel’s recommendation is not unanimous, it shall separately state a recommendation by the majority and by the minority and be signed by the respective Panel members. After conferring with the panel, the President shall make and implement the final decision. The complaint(s) and the

findings and recommendations of the panel shall be forwarded to the Board itself if the President makes a recommendation not to continue employment of the respective probationary faculty employee.

- 6A.20.3 If the Due Process Panel, in accordance with Section 6A.20.1, or the President, in accordance with Section 6A.20.2, determines that a member be removed from the Tenure Review Committee, a replacement shall be selected in accordance with Section 6A.4.6.1 or 6A.4.6.2, as appropriate.

### **Recommendation for Continued Employment of Probationary Faculty Employee**

- 6A.21 The Tenure Review Committee shall make its recommendation regarding the continued employment of the respective probationary faculty employee to the President of the college and all materials involved in this recommendation, pursuant to this article, shall be in writing. The Committee shall make its recommendation based on the Appendix J1 and J2 evaluations, written criteria known to the candidate in accordance with section 6A.7, and performance areas identified to the candidate as needing improvement.

- 6A.21.1 The Committee recommendation, if not unanimous, shall separately state a recommendation by the majority and by the minority and be signed by the respective committee members.

- 6A.21.2 In recommending a probationary faculty employee for continued employment, the President may submit a summary paragraph of the probationary faculty employee's performance with the written recommendation.

- 6A.21.3 In the event that the President recommends ~~not~~ to not continue employment, all written materials provided to the President together with the President's written recommendation, and any materials produced under Section 6A.20, shall be presented to the Board for its final action. A copy of all of these materials shall be given to the employee at least one week prior to their presentation to the Board.

- 6A.22 After the Board has acted, all materials presented to the President by the Tenure Review Committee and any other official evaluations on file with the Tenure Review Coordinator shall be placed in the employee's personnel file. All other materials produced during the Tenure Review process shall be given to the faculty employee except that the originator of a material may keep a copy of that material.

### **Resignation and Grievance Rights**

- 6A.23 In the event that a probationary faculty employee resigns before the tenure review materials are submitted to the Board, the only material to be placed in the employee's personnel file shall be the administrative evaluation(s).

6A.24 Other than section 6A.17, nothing in this article shall limit the probationary faculty employee's right to grievance under Article 5.

**Re-opener**

6A.25 Either the Board or FA may reopen negotiations on this article at any time by delivering a written request to reopen to the other party.

