

ARTICLE 15

EVALUATION

General Provisions

- 15.1 The term "evaluation" as used in this Article shall refer to either a Periodic Evaluation or a Performance Review.
- 15.2 Faculty unit employees, students, academic administrators, and the President may contribute information to the evaluation of a faculty unit employee. Information submitted by the faculty unit employee and by academic administrators may include statements and opinions about the qualifications and work of the employee provided by other persons identified by name. Only tenured faculty unit employees and academic administrators may engage in deliberations and make recommendations to the President regarding the evaluation of a faculty unit employee. At the request of a department, the President may agree that a faculty unit employee participating in the Faculty Early Retirement Program may also engage in deliberations and make recommendations regarding the evaluation of a faculty unit employee. However, faculty committees established for this purpose may not be comprised solely of faculty participating in the Faculty Early Retirement Program.
- 15.3 Evaluation criteria and procedures shall be made available to the faculty unit employee no later than 14 days after the first day of instruction of the academic term. Evaluation criteria and procedures shall be made available to the evaluation committee and the academic administrators prior to the commencement of the evaluation process. Once the evaluation process has begun, there shall be no changes in criteria and procedures used to evaluate the faculty unit employee during the evaluation process. Faculty members teaching online are subject to all the rights and conditions set out in Article 15 and applicable campus evaluation policies. The collection and use of online course quantitative data for evaluation purposes shall only occur when required in campus evaluation policies and procedures.
- 15.4 The appropriate faculty unit committee may recommend timelines for conducting evaluations. All evaluations shall be conducted and completed within the period of time specified by the President. The Working Personnel

Action File shall be forwarded in a timely manner to the next level of review.

- 15.5 At all levels of review, before recommendations are forwarded to a subsequent review level, faculty unit employees shall be given a copy of the recommendation and the written reasons therefore. The faculty unit employee may submit a rebuttal statement or response in writing and/or request a meeting be held to discuss the recommendation within ten (10) days following receipt of the recommendation. A copy of the response or rebuttal statement shall accompany the Working Personnel Action File and also be sent to all previous levels of review.

New review materials shall be inserted into the Working Personnel Action File per Provision 15.12 (b).

This section shall not require that evaluation timelines be extended.

- 15.6 Administrative Level Reviews shall be conducted by the appropriate administrators.
- 15.7 The Working Personnel Action File shall be forwarded to the President who shall review and consider all materials thus submitted.
- 15.8 The Working Personnel Action File shall be defined as that file specifically generated for use in a given evaluation cycle. That file shall include all required forms and documents, all information specifically provided by the employee being evaluated, and information provided by faculty unit employees, students, external reviewers, and academic administrators. It shall also include all faculty and administrative level evaluation recommendations from the current cycle, and all rebuttal statements and responses submitted.

The contents of the Working Personnel Action File may be compiled and reviewed in electronic format, pursuant to campus policy.

- 15.9 Materials for evaluation submitted by a faculty unit employee shall be deemed incorporated by reference in the Personnel Action File, but need not be physically placed in the file. An index of those materials shall be prepared by the faculty unit employee at the beginning of the cycle and submitted with the materials. That index shall be permanently placed in the Personnel Action File and appropriately updated to reflect any material added to the file during the

course of the evaluation cycle. Materials incorporated by reference in this manner shall be considered part of the Personnel Action File for the actions set forth in provision 15.12(c) of this Article. Indexed materials shall be returned to the faculty unit employee. **No personnel decisions shall be based on student feedback/opinion surveys unless faculty members are first permitted to address and/or correct concerns raised by students. No personnel decisions shall be based on grade distribution and/or the range of passing or failing grades or withdrawals without reviewers considering other relevant information including, but not limited to, syllabi, course materials, or student work.**

- 15.10 Deliberations pursuant to this Article shall be confidential.
- 15.11 Recommendations pursuant to this Article shall be confidential except that the affected faculty unit employee, appropriate administrators, the President, and the peer review committee members shall have access to written recommendations.
- 15.12 a. Prior to the beginning of the review process, the faculty unit employee subject to review shall be responsible for the identification of materials they wish to be considered, **including a statement, if required by the Campus Academic Senate, describing the faculty unit member's practices in support of first-generation students and/or students or communities who face cultural, geographical, physical, educational, financial, or systemic barriers in accessing higher education. personal barriers to assist them in advancing to the highest educational levels they can reach, including a statement, if required by the Academic Senate, describing the faculty member's practices in support of underserved, first-generation, and/or underrepresented students and/or communities,** as well as materials required by campus policy, and for the submission of such materials as may be accessible to them. Evaluating committees and administrators shall be responsible for identifying and providing materials relating to evaluation required by campus policy but not accessible to the employee.
- b. A specific deadline before the recommendation is made at the first level of evaluation shall be established by campus policy, at which time the Working Personnel Action File is declared complete with respect to documentation of performance for the purpose of evaluation. Insertion

of material after the date of this declaration other than faculty and administrative evaluations generated during the evaluation cycle and responses or rebuttals by the faculty unit employee being evaluated must have the approval of a peer review committee designated by the campus and shall be limited to items that became accessible after this declaration. Copies of the added material shall be provided to the faculty unit employee. Material inserted in this fashion shall be returned to the initial evaluation committee for review, evaluation and comment before consideration at subsequent levels of review. If, during the review process, the absence of required evaluation documents is discovered, the Working Personnel Action File shall be returned to the level at which the requisite documentation should have been provided. Such materials shall be provided in a timely manner.

- c. Personnel recommendations or decisions relating to retention, tenure, or promotion or any other personnel action shall be based on the Personnel Action File. Should the President make a personnel decision on any basis not directly related to the professional qualifications, work performance, or personal attributes of the individual faculty member in question, those reasons shall be reduced to writing and entered into the Personnel Action File and shall be immediately provided to the faculty member. For the purposes of this section, course assignments shall not be considered personnel actions. However, course assignments shall not be punitive in nature.
- d. A request for an external review of materials submitted by a faculty unit employee may be initiated at any level of review by any party to the review. Such a request shall document (1) the special circumstances which necessitate an external reviewer, and (2) the nature of the materials needing the evaluation of an external reviewer. The request must be approved by the President with the concurrence of the faculty unit employee.

- 15.13 The periodic or performance review for individuals holding a joint appointment in more than one (1) academic department or equivalent unit shall be conducted by each department in which the individual holds an appointment or, in accordance with campus procedures, may be conducted by a committee with representation from each department in which the individual holds an appointment.
- 15.14 When classroom visits are utilized as part of the evaluation of a faculty unit employee under this Article, the individual faculty unit employee being evaluated shall be provided a notice of at least five (5) days that a classroom visit, online observation, and/or review of online content is to take place. There shall be consultation between the faculty member being evaluated and the individual who visits their class(es) regarding the classes to be visited and the scheduling of such visits.

Process for Student Course Evaluations Feedback of Teaching Faculty Instructional Effectiveness

- 15.15 Written or electronic student course evaluations feedback of faculty instructional effectiveness, also called "student opinion survey" and "student perception of teaching effectiveness" on some campuses, shall be required for all faculty unit employees who teach. Each campus's Academic Senate shall review and possibly update its student surveys every five (5) years. All classes taught by each faculty unit employee shall have such student course evaluations feedback unless the President has approved a requirement to evaluate fewer classes after consideration of the recommendations of appropriate faculty committee(s). In cases where student course evaluations feedback are not required for all classes, classes chosen for evaluation shall be representative of the faculty unit employee's teaching assignment, and shall be jointly determined in consultation between the faculty unit employee being evaluated and their department chair. In the event of disagreement, each party shall select 50% of the courses to be evaluated. The results of these evaluations shall be placed in the faculty unit employee's Personnel Action File. Results of student course feedback evaluations may be stored in electronic format and incorporated by extension into the Personnel Action File provided that individuals involved in evaluations and personnel recommendations or decisions are provided secure access for these purposes. When the response rate of any course is less than fifty (50) percent When

response rates of any course are low (as determined by the Campus Academic Senates or Statewide Academic Senate), a faculty member shall have the election not to place that course's student surveys in the Personnel Action File in which case reviewers may not rely on them for evaluative purposes. Response rates shall not be the responsibility of faculty members. Low response rates shall not be interpreted as reflecting negatively on faculty performance.

- 15.16 Students may, with the concurrence of the department and administrator, be provided an opportunity to consult with the department peer review committee.
- 15.17
- a. Student course ~~evaluations~~ **feedback** collected as part of the regular ~~student evaluation~~ **student feedback** process shall be anonymous and identified only by course and/or section. The format of student course ~~evaluations~~ **feedback** shall be **determined by the Campus Academic Senates or Statewide Academic Senate** quantitative (e.g., "Scantron" form, etc.) or a combination of quantitative and qualitative (e.g., space provided on the quantitative form for student comments).
  - b. Any student communications or ~~evaluations~~ **feedback** provided outside of the regular ~~evaluation~~ process must be identified by name to be included in a Personnel or Working Personnel Action File. **Article 11 rights apply.**
  - c. Faculty unit employees may submit written rebuttals to student course ~~evaluations~~ **feedback** pursuant to Provision 11.2 when it is believed that additional information is needed or in the case of student bias. Evaluators must review such written rebuttals when reviewing underlying student course ~~evaluations~~ **feedback**. **When deemed warranted by the faculty member under evaluation and their department's evaluation committee, flawed (due to discrimination or bias) student surveys shall be excluded from Personnel Action Files or Working Personnel Action Files.**

**Process for Student Course Feedback of Librarian, and Counselor, and Coaching Faculty**

- 15.18 ~~Student evaluations~~ **Student feedback** programs for librarian faculty unit

employees, counselor faculty unit employees, and coaching faculty unit employees may be developed **collaboratively by faculty and administration, with final approval by the appropriate faculty committee** at the campus level. ~~If such programs are established, the evaluation process shall be developed by a committee comprised of faculty unit employees and appropriate administrators.~~

15.19 ~~Intentionally left blank to preserve later provision references in this Article.~~  
The appropriate administrator (e.g. Counseling Center Director) shall not impose requirements or criteria (e.g. specific direct service percentages) that are not reflected in the collective bargaining agreement or evaluation documents that have been created through the shared governance procedures.

**When requested by the counselor under review, peer review committees for Counselor Faculty on temporary appointments shall include Counselors on three-year appointments when possible.**

**When no eligible counselor faculty members from the campus are available to serve on a peer review committee, the faculty may elect faculty from outside departments or from counseling centers on other campuses to comprise a peer review committee.**

#### Periodic Evaluation

- 15.20 A periodic evaluation of a faculty unit employee shall normally be required for the following purposes:
- a. Evaluation of temporary faculty unit employees (see 15.23 – 15.30).
  - b. Evaluation of probationary faculty unit employees who are not subject to a Performance Review (see 15.31 – 15.34).
  - c. Evaluation of tenured faculty unit employees who are not subject to a Performance Review for promotion (see 15.35 – 15.37).

d. Evaluation of temporary faculty unit employees for three-year appointments pursuant to provisions 12.12 and 12.13.

15.21 Periodic evaluation procedures shall be approved by the President after consideration of recommendations from the appropriate faculty committee(s). Such procedures shall, for tenure-track faculty unit employees who teach, include, but not be limited to, student **evaluations feedback** of teaching performance, peer reviews and administrative reviews. Department chairs may make separate recommendations as a part of the periodic evaluation process. If such a separate recommendation is to be made, the chair shall not participate as a member of the department peer committee.

15.22 The result of each stage of the periodic evaluation process shall be a written statement. Such statement with written rationale shall be placed in the Personnel Action File of the faculty unit employee in accordance with Article 11, Personnel Files.

#### Periodic Evaluation of Temporary Faculty Unit Employees

15.23 Full-time temporary faculty unit employees appointed for two (2) or more semesters or three (3) or more quarters, regardless of a break in service, must be evaluated in accordance with the periodic evaluation procedure. This evaluation shall include student **evaluations feedback** of teaching performance for those with teaching duties, peer review by a committee of the department or equivalent unit as defined in provision 15.2, and evaluations by appropriate administrators. Evaluation of full-time temporary Coaching and Counselor Faculty Unit Employees shall include an opportunity for peer input and evaluation by appropriate administrators.

15.24 Part-time temporary faculty unit employees appointed for two (2) or more semesters or three (3) or more quarters, regardless of a break in service, shall be evaluated in accordance with the periodic evaluation procedure. Such evaluations shall include student **evaluations feedback** of teaching performance for those with teaching duties, evaluations by appropriate administrators and/or department chair, and an opportunity for peer input as defined in provision 15.2 from the department or equivalent unit. Evaluation of part-time temporary Coaching and Counselor Faculty Unit Employees shall include an opportunity for peer input and evaluation by appropriate

- 15.25 A temporary faculty unit employee appointed for one (1) semester or two (2) quarters or less shall be evaluated at the discretion of the department chair, the appropriate administrator, or the department or equivalent unit. The employee may request that an evaluation be performed.
- 15.26 Temporary faculty unit employees holding three-year appointments pursuant to Article 12 shall be evaluated ~~at least~~ once during the term of their appointment and may be evaluated more frequently upon the request of ~~either the employee or the President~~. **Further, for faculty unit employees with a current (within a three-year period) successful range elevation application, the range elevation application file can be used for this provision in place of a satisfactory evaluation for a three-year appointment.**
- 15.27 A written record of periodic evaluation shall be placed in the temporary faculty unit employee's Personnel Action File. The temporary faculty unit employee shall be provided a copy of the written record of the evaluation.
- 15.28 **Temporary** faculty unit employees eligible for a three-year appointment pursuant to provision 12.12 shall be evaluated in the academic year preceding the issuance of a three-year appointment. This evaluation shall include student ~~evaluations~~ **feedback** of teaching performance for those with teaching duties, peer review by a committee of the department or equivalent unit as defined in provision 15.2, and evaluations by appropriate administrators. The evaluation shall rate the temporary faculty unit employee as either satisfactory or unsatisfactory. Satisfactory ratings may include narrative comments including constructive suggestions for development. This periodic evaluation shall consider the faculty unit employee's cumulative work performance during the entire qualifying period for the three-year appointment. A three-year appointment shall be issued if the temporary faculty unit employee is determined by the appropriate administrator to have performed in a satisfactory manner in carrying out the duties of their position. The determination of the appropriate administrator shall be based on the contents of the Personnel Action File and any materials generated for use in any given evaluation cycle pursuant to 15.8. Where the appropriate administrator determines that a temporary faculty unit employee has not performed their duties in a satisfactory manner, then the reasons for their determination shall be reduced to writing and placed in the Personnel Action File.

**Commented [KS1]:** Rejecting references to discretionary 5-year contract based on "exceptional" performance.

**15.XX** Temporary faculty unit employees eligible for a long-term ongoing appointment (due to classification as Clinical Faculty, Clinical Professor, or Teaching Professor) pursuant to 12.X1 shall be evaluated in the academic year preceding the issuance of the long-term appointment. This evaluation shall include student feedback of teaching performance for those with teaching duties, peer review by a committee of the department or equivalent unit as defined in provision 15.2, and evaluations by appropriate administrators. The evaluation shall rate the temporary faculty unit employee as either satisfactory or unsatisfactory. Satisfactory ratings may include narrative comments including constructive suggestions for development. This periodic evaluation shall consider the employee's cumulative work performance during the prior three-year appointment. A long-term appointment shall be issued if the temporary faculty unit employee is determined by the appropriate administrator to have performed in a satisfactory manner in carrying out the duties of their position. The determination of the appropriate administrator shall be based on the contents of the Personnel Action File and any materials generated for use in any given evaluation cycle pursuant to 15.8. Where the appropriate administrator determines that a temporary faculty unit employee has not performed their duties in a satisfactory manner, then the reasons for their determination shall be reduced to writing and placed in the Personnel Action File.

Temporary faculty unit employees holding a three-year appointment pursuant to provision 12.13 shall be evaluated in the third year of the appointment. This evaluation shall include student **evaluations** **feedback** of teaching performance for those with teaching duties, peer review by a committee of the department or equivalent unit as defined in provision 15.2, and evaluations by appropriate administrators. The evaluation shall rate the temporary faculty unit employee as either satisfactory or unsatisfactory. Satisfactory ratings may include narrative comments including constructive suggestions for development. This periodic evaluation shall consider the employee's cumulative work performance during the entire three-year appointment. A subsequent three-year appointment shall be issued if the temporary faculty unit employee is determined by the appropriate administrator to have performed in a satisfactory manner in carrying out the duties of their position. The determination of the appropriate administrator shall be based on the contents of the Personnel Action File and any materials generated for use in any given evaluation cycle pursuant to 15.8. Where the appropriate administrator determines that a temporary faculty unit employee has not performed their duties in a satisfactory manner, then the reasons for their determination shall be reduced to writing and placed in the Personnel Action File.

- 15.30 If a temporary faculty unit employee is subject to a periodic evaluation pursuant to provisions 15.28 or 15.29, and the temporary faculty unit employee is on an authorized paid or unpaid leave during the period in which the evaluation is scheduled, the employee may request a postponement of the evaluation. If the request is granted, the temporary faculty unit employee's appointment shall automatically be extended through the academic term in which the rescheduled evaluation takes place. If the outcome of the evaluation is a determination by the appropriate administrator of satisfactory performance, the new three-year appointment shall be effective at the beginning of the academic year following the original expiration date of the prior appointment.

#### Periodic Evaluation of Probationary Faculty Unit Employees

- 15.31 If a probationary faculty unit employee is subject to a Performance Review as provided for in this Article, the Performance Review shall serve as the evaluation of the probationary faculty unit employee.
- 15.32 In an academic year or work year in which a probationary faculty unit

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employee is not subject to a Performance Review for retention, the probationary faculty unit employee shall be subject to periodic evaluation.

- 15.33 Periodic evaluations shall be conducted by the peer review committee of the department or equivalent unit, and the appropriate administrator. There shall be consideration of student evaluations feedback of teaching performance, when teaching duties have been assigned and student evaluations feedback is are available.
- 15.34 A written record of a periodic evaluation shall be placed in the probationary faculty unit employee's Personnel Action File. A probationary faculty unit employee shall be provided a copy of the written record of the periodic evaluation.

Periodic Evaluation of Tenured Faculty Unit Employees

- 15.35 For the purpose of maintaining and improving a tenured faculty unit employee's effectiveness, tenured faculty unit employees shall be subject to periodic performance evaluations at intervals of no greater than five (5) years. Participants in the Faculty Early Retirement Program (FERP) shall not be required to undergo evaluation unless an evaluation is requested by either the FERP participant or the appropriate administrator. Such periodic evaluations shall be conducted by a peer review committee of the department or equivalent unit, and the appropriate administrator. For those with teaching responsibilities, consideration shall include student evaluations feedback of teaching performance.
- 15.36 A tenured faculty unit employee shall be provided a copy of the peer committee report of their periodic evaluation. The peer review committee chair and the appropriate administrator shall meet with the tenured faculty unit employee to discuss their strengths and weaknesses along with suggestions, if any, for their improvement.
- 15.37 A copy of the peer committee's and the appropriate administrator's summary reports shall be placed in the tenured faculty unit employee's Personnel Action File.

Performance Review

- 15.38 A Performance Review of a faculty unit employee shall normally be required for the following purposes:
- a. retention of a probationary faculty unit employee;
  - b. award of tenure; and
  - c. promotion.
- 15.39 A Performance Review shall consist of a minimum of the following reviews:
- a. evaluations of teaching performance, if the faculty unit employee teaches;
  - b. peer reviews; and
  - c. administrative reviews.
- 15.40
- a. Performance Review procedures shall be approved by the President after consideration of the recommendations of appropriate faculty committee(s).
  - b. Department chairs may make separate recommendations. Such recommendations shall be forwarded to subsequent levels of review. If the chair makes a separate recommendation, they shall not participate as a member of the peer committee.

- 15.41 The probationary and tenured faculty unit employees of the department or equivalent unit shall elect a peer review committee of tenured faculty unit employees for the purpose of reviewing and recommending faculty unit employees who are being considered for retention, award of tenure, and promotion. Probationary and tenured faculty unit employees shall elect tenured faculty unit employees to serve on higher level peer review committee(s). When there are insufficient eligible members to serve on the peer committee, the department shall elect members from a related academic discipline(s). At the request of a department, the President may agree to permit faculty participating in the Faculty Early Retirement Program to run for election for membership on any level peer review committee. However, these committees may not be comprised solely of faculty participating in the Faculty Early Retirement Program.
- 15.42 A faculty unit employee shall not serve on more than one (1) committee level of peer review.
- 15.43 In promotion considerations, peer review committee members must have a higher rank/classification than those being considered for promotion. Faculty unit employees being considered for promotion are ineligible for service on promotion or tenure peer review committees.
- 15.44 [Intentionally left blank to preserve later provision references in this Article.]
- 15.45 Each peer review committee evaluation report and recommendation shall be approved by a simple majority of the membership of that committee.
- 15.46 The end product of each level of a Performance Review shall be a written recommendation. Such recommendation(s) shall be placed in the working Personnel Action File of the candidate.
- 15.47 If any stage of a Performance Review has not been completed within the specified period of time, the Performance Review(s) shall be automatically transferred to the next level of review or appropriate administrator and the faculty unit employee shall be so notified.

- 15.48 The President shall issue a decision regarding retention, award of tenure, or promotion. Such a decision shall be in writing and shall include the reasons for the decision. A copy of the decision shall be provided to the affected faculty unit employee and all levels of review. A copy of the decision shall be placed in the faculty unit employee's Personnel Action File.

