

PCCD COUNTERPROPOSAL #2- 7/8/19
ARTICLE 17 - EVALUATION PROCEDURE

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17.1 General Provisions

- 17.1.1 Faculty review shall be the primary feature of the evaluation process.
- 17.1.2 Evaluation decisions shall be made in good faith and shall not be based upon factors that are not directly related to the faculty member's performance of his/her faculty assignment.
- 17.1.3 All evaluations shall be treated as confidential in accordance with Article 11.
- 17.1.4 Faculty and administrative evaluators shall notify the evaluatee that he/she is to be observed. This notice shall be given at least one (1) week prior to the observation, unless another time frame for the observation is mutually agreed upon.
- 17.1.5 Evaluatees may request a signed copy of his/her evaluation from the Tenure and Evaluations office for up to three years from the time of evaluation.
- 17.1.6 A "business day" shall be a day when the District offices are scheduled to be open, but shall exclude Saturdays and Sundays.
- 17.1.7 Wherever a Department Chair or other faculty member is authorized to appoint a designee to assume the designator's role in the evaluation process, the appointed designee shall be a faculty member in the same or a related department/discipline. Rare circumstances may exist in which the TERB Coordinator, in consultation with the department chair, invites an outside observer with disciplinary expertise to complete an in-class observation using the class observation form. This observation shall be used by the department chair or his/her designee in writing the review report.
- 17.1.8 All final evaluation Review Reports shall rate a faculty member's overall performance as one of the following: *High Professional Performance, Standard Professional Performance, Needs Improvement, or Unsatisfactory*.
- 17.1.9 The evaluators shall give comments and/or recommendations the weight they believe appropriate.

- ~~17.1.10~~ The Dean and/or first level administrator and/or Vice President overseeing the evaluatee's discipline may submit comments and/or recommendations on the Review Report form. Any comments and/or recommendations shall become an official part of the evaluation record. The evaluatee shall be notified of any such comments and/or recommendations. Such comments and/or recommendations shall become an official part of the evaluation record. ~~For the 2018-19 year negotiations, both parties have agreed to negotiate and create a schedule/process that will entail the Deans having the opportunity to provide comments and/or recommendations prior to the Final Review Report meeting and the evaluatee's signing the final evaluation. Both parties have agreed to implement an online evaluation system, which shall include the Deans having the opportunity to provide comments and/or recommendations prior to the Final Evaluation Review Report.~~
- 17.1.11 In accordance with Education Code 87663(c), evaluations of faculty members will include, to the extent practicable and applicable, student evaluations. Faculty members shall have access to their own student evaluation summaries within a reasonable period of time following the posting of final course grades for that semester or session, subject to the availability of the data from TERB. Student evaluations alone shall never be used as the sole justification for a decision in a summative evaluation or in denial of tenure.
- 17.1.12 Final Review Reports for all faculty members (regardless of status) shall be filed in the evaluatee's official personnel file. Once a faculty member has reviewed their Review Report with the evaluator and/or committee, he/she will have ten (10) business days for review and comment. This ten (10) day period may be extended only with the mutual written agreement of the Assistant Superintendent/Vice President of Human Resource Services or designee and the faculty member.

Tenure and rehire evaluations may be appealed by probationary faculty members under the provisions of Article 17.7. However, with the exception of the tenure and rehire appeal process, the attachment to the final Review Report is the sole remedy for the contents and/or recommendation(s) in any evaluation document being entered or filed in a faculty member's personnel file. Substantial departures from the evaluation procedures prescribed in this Article shall be subject to the grievance procedure (see Article 14 - Grievance Procedure) of this Agreement, and the evaluation shall be invalidated if those procedural departures are found to have prejudiced a fair and objective evaluation of the faculty member's job performance.

17.1.13 The contents, including comments and recommendations, of any evaluation document shall not be grievable.

17.1.14 Evaluations of faculty shall not be conducted by any relative covered in BP 7310, as well as nor by former spouses/partners.

17.1.15 The Department Chair or Director, or other faculty member(s) who is (are) responsible for making future assignments for part-time faculty members, shall have access to a part-time faculty member's evaluation documents and may confer with previous evaluators for the purpose of making appropriate assignments. The TERB Coordinator will provide evaluation documents from the previous three years when requested by the aforementioned evaluator(s) and will notify the affected part-time faculty member.

17.2 Tenure and Evaluations Review Board

17.2.1 In accordance with Education Code §87663(c), evaluations of faculty members will include a peer review process called tenure and evaluations review. There shall be a Tenure and Evaluations Review Board (TERB) that shall oversee and make recommendations regarding the development and use of evaluation forms and procedures, oversee the evaluations of faculty members, hear and consider matters of concern brought to it by faculty members and the District regarding the faculty evaluation process and/or procedures, and perform other duties which specifically are delegated to it by this Article.

17.2.2 In conformance to this Article and state law, the TERB shall develop all tenure and evaluations procedures, standards, evaluation calendars, and forms with the purpose of ensuring that faculty evaluations are accurate, fair and equitable. The Federation shall consult with the Faculty Senate regarding any substantial change in the standards, forms or procedures. Approved and current evaluation forms and checklists will be available on the TERB website. New standards, forms and/or procedures developed by the TERB shall be submitted to the Federation and the District for approval. If these bodies do not agree upon any of them, the matter in question shall become a subject for negotiations between the District and the Federation.

17.2.3 Subject to the approval of the Federation and the District, the TERB may designate unique categories of faculty members who shall be evaluated by procedures other than those in this Article.

17.2.4 The TERB shall be composed of the following academic employees:

- TERB Coordinator, who shall be the Chair
- Vice President for Instruction or his/her designee
- Two (2) permanent faculty members “at large” selected by the Faculty Senate
- One (1) permanent faculty member from each of the instructional divisions selected by the Federation
- One (1) permanent faculty member from either Counseling or Student Services selected by the Federation
- One (1) part-time faculty member selected by the Federation

17.2.5 Faculty members on the TERB serve two (2) year terms.

17.2.6 A quorum of TERB must be present when decisions regarding tenure or evaluation reports are made.

17.2.7 There shall be a TERB Coordinator who will be a full-time permanent faculty member who shall be jointly appointed by the Superintendent/ President and the Federation for a two (2) year term. There is no limit to the consecutive years of service, but there is an open application procedure every two (2) years. This position reports to the Vice President for Instruction. The TERB Coordinator shall be evaluated by the TERB in a process facilitated by the Vice President of Instruction. The TERB Coordinator is an 11-month position, with provided reassigned time as outlined in Appendix F to perform the duties of the position.

17.2.8 The duties of the TERB Coordinator include, but are not limited to, the following:

- Chairing TERB meetings
- Supporting and training Instructional Staff assigned to the Tenure and Evaluations office
- Coordinating all faculty evaluations
- Conducting tenure/evaluation workshops for new faculty
- Appointing randomly selected faculty to serve on Tenure and Evaluation and Peer Review Committees
- Submitting all final signed evaluations to Human Resource Services

- Collaborating with the Professional Development Coordinator in programs that support and encourage each faculty member's effectiveness
- Consulting with the Faculty Senate and the Federation as prescribed in this Article.
- Monitoring for compliance of evaluation processes as described in this Article.
- Reviewing probationary Review Reports.
- In consultation with the TERB, developing and revising evaluation standards, forms, and procedures.
- Maintaining regular communications with department chairs and first-level directors regarding faculty evaluations within their departments.
- Working with Evaluation Committees, evaluators and/or evaluatees to develop Improvement Plans.

17.3 Part-Time Faculty

17.3.1 In accordance with Education Code §87663 and Article 20, a part-time faculty member teaching a .7% load or greater will be evaluated during the first year of employment with the District, and at least once in every six (6) subsequent semesters. For the purpose of this Agreement, those subsequent semesters shall not include intersession. ~~and/or summer session.~~ Summer session shall not be included except as outlined in 17.3.2.1. Evaluations will be conducted according to the following procedures.

17.3.1.1 Student evaluations using the "Student Ratings of Instructor" form (Part-Time).

17.3.1.2 The Department Chair/Program Director to whom the part-time faculty member reports (or his/her designee) completes an in-class observation using the Class Observation Form.

For the evaluation of part-time faculty, the designee shall be any full-time faculty member or a retired Palomar full-time faculty member who continues to serve in a part-time status. Rare circumstances may exist in which the TERB Coordinator, in consultation with the Department Chair, invites an outside observer with disciplinary expertise to complete an in-class observation using the class observation form. This observation form shall be used by the Department Chair in writing the Review Report.

Upon completion of the observation and form process and or in cases of documented concerns or issues, the dean may review the student evaluations, the faculty observation report, and the write-up evaluation review report, and may enter any appropriate supervisory comments/recommendations prior to the final evaluative grade and meeting with the PT faculty member.

- 17.3.1.3 The Department Chair/Program Director (or his/her designee) reviews student evaluations and in-class observations with the part-time faculty member and both sign the appropriate Part- Time Faculty Evaluation Review Report. The evaluator shall suggest improvements, as appropriate. For each part-time evaluation Review Report, the Department Chair will complete and sign the Department Chair Supplemental Evaluation Form.
- 17.3.1.4 The Department Chair/Director may request a re-evaluation or an out-of-cycle evaluation of a part- time faculty member during any semester of service to monitor progress. These evaluations shall be conducted using student evaluations and shall include all elements of the Part-Time Evaluation Checklist as posted on the Tenure and Evaluations website.
- 17.3.2 Courses taught during intersession ~~and summer sessions~~ are excluded from evaluation considerations. Courses taught during summer session are excluded from evaluation considerations except as outlined in 17.3.2.1.
- 17.3.2.1 Evaluations may need to be completed during summer session for faculty who only teach during summer, or in order to implement improvement plans. In those cases, the department chair may ~~assign~~ designate a willing full-time faculty member to do a summer evaluation, with compensation of up to three hours at the faculty member's non-instructional rate, paid via NOHE.
- 17.3.3 A part-time faculty member who has a break in service of three (3) consecutive semesters or more, for any reason, will be considered a first-time, part-time faculty member for the purpose of evaluation (See Article 20).
- 17.3.4 If a part-time faculty member receives an overall Needs Improvement on his or her Evaluation Review Report (Article 17.1.7), a follow-up evaluation shall be completed. ~~If the part-time~~

~~faculty member teaches the subsequent semester or any semester thereafter within a year, he/she shall be reevaluated during that semester.~~

17.3.4.1 A part-time faculty member who has preferential consideration (see Article 20.10.1) with an overall Needs Improvement on his or her Evaluation Review Report (Article 17.1.7) shall receive an Improvement Plan from the evaluator. Improvement Plans are intended to provide an opportunity for careful reflection and discussion, as they encourage communication between the part-time faculty member and the Department Chair or his/her designee in order to help the part-time faculty member to meet department standards. The Improvement Plan shall be written in good faith and approved by the Department Chair and the TERB Coordinator prior to its implementation. The Improvement Plan shall clearly specify areas to improve and remedies to rectify ~~deficiencies~~ issues described in the Evaluation Review Report. ~~The Improvement Plan will be attached to the evaluatee's Evaluation Review Report and must be signed by the evaluatee prior to the follow-up evaluation. A completed, signed Improvement Plan must be submitted with the evaluatee's Evaluation Review Report. It will remain attached to the Evaluation Review Report.~~

17.3.4.2 Assignments for part-time faculty members may be impacted by eEvaluation Review Report results. Details on the process for part-time faculty assignments and the relation to evaluations is found in Article 20.

17.3.5 It is the responsibility of the department to ensure timely evaluations are conducted within the first year of employment and at least once every three years of part-time faculty members.

17.4 Early Childhood Education Lab School Teachers

Early Childhood Education Lab School (ECELS) teachers shall be evaluated in their first year by the immediate supervisor or any other management employee to whom the ECELS teacher reports. Subsequent evaluations shall occur at least once every three (3) years utilizing the evaluations procedures contained in Appendix L.

17.5 Temporary Full-Time Faculty

- 17.5.1 In accordance with Education Code §87663(a), temporary, full-time faculty serve on a year-to-year contract and are not eligible for tenure.
- 17.5.2 Temporary full-time faculty members in each of their first four (4) years of full-time service shall be evaluated as provided for probationary faculty members in Section 17.6.2 through 17.6.7, except that the Committee Chair and members may be non-tenured full-time faculty members.
- 17.5.3 Temporary full-time faculty members in subsequent years of full-time service shall be evaluated as provided for tenured (regular) faculty members in Section 17.8, except that the Evaluation Committee Chair and members may be non-tenured full-time faculty members.

17.6 Probationary Faculty Members

- 17.6.1 Probationary (contract) faculty members shall be evaluated in a full contract load, whether in teaching, counseling, or the library. Evaluations will occur according to the evaluations calendar established by TERB until probationary faculty members are granted permanent status.
- 17.6.2 Per CA Education Code 87605 and 87606, a probationary faculty member must provide service at least 75% of a year during each of the four years of the probationary period in order for that year to count toward tenure.
- 17.6.3 A Tenure Evaluation Committee (TEC) will be established for each probationary (contract) faculty member to include the following five (5) academic employees:
- The Department Chair (or his/her tenured designee) shall serve as Chair
 - The Vice President responsible for the faculty member or his/her designee.
 - The Dean or first-level educational administrator to whom the probationary faculty member reports or his/her designee
 - One (1) permanent faculty member from the evaluatee's discipline selected by the Department Chair. If the size of the department or other circumstances do not facilitate such an appointment, a permanent faculty member from a related discipline will be appointed.

- One (1) permanent faculty member from another department recommended by the TERB Coordinator and approved by the Vice President responsible for the faculty member.

If a given department has no faculty member serving as Department Chair or Director, the TERB shall designate a tenured faculty member in that discipline to serve as Chair of the TEC. If no tenured faculty member from that discipline is available to serve as Chair, the TERB shall designate a tenured faculty member from a related discipline to serve as Chair of the TEC.

- 17.6.4 The probationary faculty member may challenge within ten (10) business days of appointment either of the two (2) faculty members assigned to the probationary faculty member's TEC, but not the TEC Chairperson. The challenge must be in writing, must provide a clear statement of the reason(s) for the challenge, and must be postmarked or actually received by the TERB Coordinator within ten (10) business days of the appointment of the challenged faculty member. The probationary faculty member may also lodge a challenge within the first ten (10) business days of the fall semester during the second year of probationary service. The challenge may be granted only upon a majority vote of the entire TERB. If the challenge is denied, TERB shall provide the challenger with reason(s) in writing for its decision.
- 17.6.5 Should a probationary (contract) faculty member have an assignment within two (2) or more departments, the Department Chair from each department (or tenured designee) will be on the TEC.
- 17.6.6 The TEC, within its discretion and under the coordination of the TEC Chair, may hold meetings with or without the attendance of the evaluatee. However, members of the TEC shall meet with the evaluatee on a regular basis to provide support and assistance, as needed, and to communicate any concerns the TEC members may have about the evaluatee's job performance. The TEC will review the evaluatee's work (as prescribed by the evaluatee's evaluation checklist approved by TERB and made available on the Tenure and Evaluations website), will conduct the evaluation, and will prepare the Tenure Evaluation Review Report. The evaluatee will cooperate fully with the TEC and submit materials to it relevant to the evaluatee's assignment as requested by the TEC Chair.
- 17.6.7 The TEC's evaluation of the evaluatee and its preparation of the Tenure Evaluation Review Report is a flexible and careful process designed so that the probationary (contract) faculty member maintains a standard of excellence in the tenure process. In a TEC, faculty shall be the primary reviewers of teaching methodology,

curriculum choice, and delivery. The evaluation should be a careful and comprehensive scrutiny of the evaluatee's work performance. The TEC shall follow the evaluation calendar established by TERB. The final Tenure Evaluation Review Report shall be submitted to the TERB office by the due date prescribed by the TERB-approved calendar.

- 17.6.8 In the fall semester of each academic year, the evaluation shall include observations by members of the TEC, student evaluations and a Final Review Report reflecting both the TEC members' observations and the student evaluations. In the spring of each academic year, the evaluation shall include student evaluations and a brief summary meeting. The spring semester meeting shall be attended by the Chair of the TEC, at least one additional member of the committee, and the evaluatee.
- 17.6.9 The role of the TEC shall include mentoring, as well as evaluation of a faculty member's progress toward professional success.
- 17.6.10 The tenure and evaluation process is intended to contribute to the professional growth and success of probationary faculty members. To that end, the TEC will establish an Improvement Plan process.
- 17.6.11 An Improvement Plan shall be required when the faculty member, in the Evaluation Review Report submitted at the end of the fall semester of his/her first or second year of probationary service, receives both of the following:
- Receives a "Rehire" recommendation by the TEC
 - Receives an evaluation of "Needs Improvement" or "Unsatisfactory" or "No" in one or more areas indicated in the Final Review Report.
- 17.6.12 An Improvement Plan shall be required when the faculty member, in the Evaluation Review Report submitted at the end of the fall semester of his/her third year of probationary service, receives at least one element of performance marked as "Needs Improvement" or "Unsatisfactory" or "No."
- 17.6.13 An Improvement Plan shall be established at the start of the spring semester following the conditions stated in 17.6.10 and 17.6.11 when the employee receives and accepts a contract for continuing employment in the District.
- 17.6.14 Improvement Plans are intended to provide an opportunity for careful reflection and discussion, as they encourage communication between the TEC and the evaluatee from the beginning of the

probationary phase of tenure review. In addition they shall provide for the possibility of greater oversight by the TERB in cases where either of the following occurs:

- Recommended adjustments are not made by the evaluatee in previous Improvement Plan
- The faculty member is entering his/her final year of the probationary period.

17.6.15 Improvement Plans address areas where a probationary faculty member must adjust or strengthen his or her performance, whether in relation to teaching, department work, or any of the performance standards included in the Evaluation Review Report.

17.6.16 Improvement plans shall be generated through a collaborative effort between the probationary faculty member and the TEC, with the possibility for oversight and coordination by the TERB and/or TERB Coordinator.

17.6.16 No later than the end of the second week of the Spring semester, in the faculty members first, or second, or third year of probationary service (as required above), the evaluatee and the TEC shall work collaboratively to submit to TERB a draft proposal for an Improvement Plan. The plan shall be reviewed by TERB. TERB shall either approve the plan or remand it to the evaluatee and the TEC for revision. Any revised plan shall receive TERB approval before it is implemented.

17.6.17 Improvement Plans shall reflect careful consideration of the areas requiring adjustment and improvement. Depending upon the seriousness of the issues being addressed, the Improvement Plan shall include some or all of the following:

- Activities (e.g., course work, observation of other faculty members, teaching strategies or techniques, other activities deemed appropriate to address the area(s) of concern, etc.) to be performed by the probationary faculty member
- Criteria for measuring progress toward satisfactory performance in the area(s) of concern
- Standards for determining if the progress is sufficient to merit a subsequent evaluation of "Standard Professional Performance" or better in the area(s) of concern
- Mentoring activities to be provided for the probationary faculty member

- Regularly scheduled meetings with the TEC and the evaluatee to discuss progress
- Meetings required by TERB with oversight by the TERB Coordinator (See 17.6.13).

17.6.18 The TEC shall determine the adequacy of progress demonstrated by the probationary faculty member under the Improvement Plan.

17.6.19 Improvement Plans are attached to the Tenure and Evaluation Review Report and become part of the official evaluation document.

17.6.20 The Tenure Evaluation Review Report and any recommendations by the TEC with regard to any continuing employment or to the granting of tenure shall be sent to the TERB Coordinator. The TERB Coordinator will review them to ensure that they are complete and that the evaluation procedures have been properly followed. If the latter conditions have been met, the TERB Coordinator will transmit them with any comments and recommendations by the TEC to the Superintendent/President, who will review and transmit them with any comments and recommendations to the Governing Board.

17.6.21 The Governing Board makes the final decision on the continuing employment and the granting of tenure for all probationary (contract) faculty members.

17.7 Tenure and/or Rehire Appeals

17.7.1 At the beginning of each academic year an Evaluation Appeals Committee (EAC) shall be formed. The primary role of the EAC is to review the appeal with all appropriate documents and to make a recommendation to the Superintendent/President to uphold or not uphold the recommendation of the TEC. Specific responsibilities of the EAC include:

- Review the appeal and all appeal-related documents.
- Review the evaluation process to determine if the process was followed.
- Review previous evaluations if appropriate to assess the TEC recommendation and appeal.
- Submit a recommendation to the Superintendent/President to either uphold or not uphold the TEC recommendation.

17.7.2 EAC Report

The EAC report must be submitted to the Superintendent/President no later than February 1st or the first business day following for consideration in the Superintendent / President's recommendation to the Governing Board for rehire or tenure.

17.7.3 The Faculty Senate, the PFF, TERB, and the Superintendent/President shall appoint members and alternative members to serve on the EAC by September 30 of each academic year. Neither the TERB Coordinator nor the Vice President for Instructional shall be appointed to the EAC. The EAC shall consist of exactly seven members appointed as follows:

1. Two (2) administrators and one alternate appointed by the Superintendent/President.
2. One (1) full-time, tenured faculty member and one alternate appointed by PFF
3. One (1) full-time, tenured faculty member and one alternate appointed by TERB, and
4. Three (3) full-time, tenured faculty members and two alternates appointed by the Faculty Senate.

Each member of EAC shall be dispassionate to both the appellant's position and the TEC's position. An appointee of the Superintendent/President shall convene the EAC upon receipt of an appeal in order to select a Chair. The Chair of the EAC shall be selected by the committee from among its membership.

17.7.4 EAC Chair Responsibilities

Once selected, the Chair of the EAC will be responsible for coordinating the appeals process, including meeting the deadline of February 1st or the first business day following, when the recommendation is due to the Superintendent/President. The Chair shall have the following specific responsibilities:

- Establish appeal timeline
- Convene the EAC to hear appeals
- Ensure that each EAC member has access to all

necessary documents

- Inform the probationary faculty member of his/her options to present to EAC
 - Draft EAC report/recommendations
 - Distribute the EAC report by February 1st or the first business day following to the Superintendent/President, Evaluee, TEC Chair, and TERB Coordinator.
- 17.7.5 The EAC Chair shall establish a timeline for the appeals process. The timeline shall be constructed so that the President/Superintendent receives the final appeals review report and recommendation no later than February 1st or the first business day following.
- 17.7.6 EAC faculty members required to meet on non-contract days shall be compensated at their non-instructional rate.
- 17.7.7 If a tenure and/or rehire recommendation is negative, the TEC Chair shall inform the TERB Coordinator and the evaluee within 5 working days from the time the recommendation is made. The TERB Coordinator will apprise the evaluee of his/her right to appeal the recommendation, and if the evaluee decides to appeal the TEC's recommendation, the TERB Coordinator will facilitate the initiation of the appeals process. In addition to contacting the evaluee by phone or email, a registered letter will be sent to the evaluee's home within two (2) business days. The evaluee shall have two (2) business days from the time the letter is delivered to contact the TERB Coordinator to initiate the appeals process.
- 17.7.8 In each case of appeal, the TERB office shall forward the evaluee's file to the Chair of the EAC within three (3) business days of the identification of the Chair from among the committee's membership.
- 17.7.9 The file will be available for examination by each member of the EAC at the TERB office or at the Office of Instructional Services during normal business hours.
- 17.7.10 EAC members, including alternates, will individually review the appellant's file and will then meet in committee. EAC members, including alternates, will maintain evaluator confidentiality throughout the appeal process. If necessary, the EAC may request to review evaluation and/or remediation information from prior reviewers.

17.7.11 The EAC is convened for the purpose of due process within the context of the college and does not perform a legal function. Given this context, the EAC shall not engage with attorneys during the review and appeal process. If either the appellant or any TEC member engages legal representation, the internal due process outlined in this Article shall end immediately.

Both the appellant and a representative chosen by the TEC have the right to provide a personal presentation of their case to the EAC, each to be heard separately. The appellant has the right to have a peer representative present in this meeting if he/she so desires, and this person shall be an observer. The representative of the TEC shall be accompanied by a second member of the TEC, also chosen by the TEC, and this person shall be an observer.

17.7.12 All recommendations with supporting evidence regarding appeals must be made only when the entire membership is present, and must be made by a ~~5/7~~ simple majority vote.

17.7.13 All recommendations regarding tenure and rehire appeals will be explained in writing and submitted to the TERB Coordinator, the TEC, the Superintendent/President and the evaluatee by the Chair of the EAC.

17.7.14 The Superintendent/President's final recommendation to deny tenure or not rehire shall be forwarded to the Board of Trustees for their decision. If the Board's action is to deny tenure or not rehire, the faculty member may seek remedies as specified in the California Education Code.

17.8 Permanent Faculty Members

17.8.1 Permanent (regular) faculty members will be evaluated at least once in every three (3) academic years.

17.8.2 The Department Chair/Director ~~or Dean~~ may request a re-evaluation or an out-of-cycle evaluation of a permanent faculty member during any semester of service due to documented concerns. These evaluations shall be conducted using student evaluations and shall include all elements of the Full-Time Evaluation Checklist as posted on the Tenure and Evaluations website. The Peer Review Committee (PRC) for out-of-cycle evaluations must include a faculty member outside of the department, selected by TERB. If the documented concern is related to the department chair in their teaching role, TERB the

department, by majority vote, may request initiate the out-of-cycle evaluation.

17.8.3 A ~~Peer Review Committee (PRC)~~ will be established for each permanent (regular) faculty member at least once in every three (3) years for regular cycle evaluations, to include the following two (2) academic employees:

- The Department Chair (or his/her tenured designee), shall serve as the Chair of the PRC. However, if the evaluatee is the Department Chair, another permanent faculty member from that department shall serve as Chair of the PRC, subject to approval by the TERB.
- One (1) permanent faculty member from the evaluatee's department, or a related discipline, who shall be selected by the evaluatee.
- Those being evaluated should not serve on PRCs for other faculty members on their own PRC during the same academic year.

If a given department has no faculty member serving as Department Chair or Director, the Faculty Senate shall designate a tenured faculty member in that discipline to serve as Chair of the PRC. If no tenured faculty member from that discipline is available to serve as Chair, the Faculty Senate shall designate a tenured faculty member from a related discipline to serve as Chair of the PRC.

17.8.4 A Peer Review Committee (PRC) will be established for each permanent (regular) faculty member in a shared 50-50 percent load (see Article 20.2.2.5) at least once in every three (3) years, to include the following two (2) academic employees:

- The Department Chair of the primary department (or his/her tenured designee) shall serve as the Chair of the PRC. However, if the evaluatee is the Department Chair, another permanent faculty member from that department shall be approved by TERB the ~~Faculty Senate~~ to serve as the Chair of the PRC (see Article 17.8.2).
- The Department Chair of the secondary department (or his/her tenured designee).

17.8.5 The permanent faculty member may challenge within ten (10) business days of appointment either (or both) of the two (2) faculty

members comprising the faculty member's PRC. The challenge must be in writing, must provide a clear statement of the reason(s) for the challenge, and must be postmarked or actually received by the TERB Coordinator within ten (10) business days of the appointment of the challenged faculty member(s). The challenge may be granted only upon a majority vote of the entire TERB. If TERB denies the challenge, TERB shall provide the challenger with reason(s) in writing for denying the challenge.

- 17.8.6 The PRC, within its discretion and under the coordination of the PRC Chair, may hold meetings with or without the attendance or participation of the evaluatee. However, the PRC shall communicate any concerns the PRC members may have about the evaluatee's job performance. The PRC will review the evaluatee's work, will conduct observations of the evaluatee's work, will conduct the evaluation, and will prepare the final Evaluation Review Report. The evaluatee will cooperate fully with the PRC, and submit materials to it relevant to the evaluatee's assignment as requested by the PRC Chair.
- 17.8.7 For each permanent (regular) faculty member in a shared 50/50 percent load, two classroom observations, one in each discipline, shall be required.
- 17.8.8 The PRC's evaluation of the evaluatee and its preparation of the Evaluation Review Report is a flexible and careful process designed so that the permanent (regular) faculty member maintains a standard of excellence. The evaluation should be a careful and comprehensive scrutiny of the evaluatee's work performance. Any evaluation calendar established by the PRC will be advisory only.
- 17.8.9 The Final Review Report and recommendations by the PRC with regard to any program of improvement shall be sent to the TERB Coordinator. The TERB Coordinator will review them to ensure they are complete and that evaluation procedures have been properly followed. If the latter conditions are met, the TERB Coordinator shall transmit the Evaluation Review Reports with any comments and recommendations by the PRC to the appropriate Vice President for the evaluatee's discipline.
- 17.8.10 A permanent faculty member who receives an overall "Needs Improvement" or "Unsatisfactory" rating shall be evaluated in each subsequent semester and shall commence a program of improvement (not to exceed two (2) years) under the direction of the PRC and TERB. When a *Standard Professional Performance* rating (or higher) is earned, the faculty member shall return to the three (3)-year evaluation cycle. If, after two (2) years in the program of

improvement, a rating of *Standard Professional Performance* (or higher) is not earned, the appropriate Vice President for the evaluatee's discipline may, in consultation with the TERB, recommend a continued program of improvement or refer the matter to the Superintendent/President.

17.8.11 The Governing Board makes the final decision on the continuing employment for all permanent faculty members subject to the review procedure in state law.

17.9 Outside Observations

17.9.1 The District's acquisition of software (a.k.a. Palomar Outcomes Database) is intended to support the District's ongoing effort to meet accreditation standards. The District will not use Student Learning Outcomes data for faculty evaluation or discipline.

17.9.2 Observations conducted outside of the process outlined in this Article shall not influence an individual faculty member's evaluation.