

Evaluation Procedures - Third Contract

- 7.19 The evaluation of a contract faculty member who has been granted a third contract shall consider five to six elements: a peer evaluation, student evaluations (including prior Fall student evaluations and the student evaluations from the Spring semesters of the second and third contracts), management evaluations, a self-maintained file provided by the contract faculty member, a self-evaluation, and whether problems that were identified or areas that were rated as needs improvement or unsatisfactory in prior evaluations have been addressed and resolved by the contract faculty member. In addition, the evaluation will identify, if necessary, problems which arose subsequent to the evaluations in the second contract period. The procedures contained in sections 7.16.1 through 7.16.4 shall apply to each evaluation made during the period of the third contract. The provisions of section 7.20, inclusive, complete the evaluation process for the third contract.
- 7.20 Following receipt of evaluation information and materials provided by the DTC, the JTRC shall assume the responsibility of the DTC and shall consider each element of the evaluation set forth in section 7.19 and shall issue an overall evaluation for each Fall semester.
- 7.20.1 For the Fall semester evaluation in the first year of the third contract, no recommendation will be made with regard to a contract faculty member's future employment with the District. The Spring semester student evaluation in the first year of the third contract will be conducted on the same basis as the Spring semester student evaluations made during the first and second contracts.
- 7.20.2 The JTRC shall attach a recommendation to the evaluation for the Fall semester of the second year of the third contract. The JTRC shall recommend one of two options: (a) that the District offer the contract faculty member employment as a tenured employee, or, (b) that the District not grant tenure to the contract faculty member. There will be no student evaluation for the Spring semester of the second year of the third contract.
- 7.20.3 If the ITRC does not support the recommendation of the DTC, the JTRC will be formed to make a recommendation to the Superintendent/President for presentation to the Board of Trustees. However, if there is concurrence between the ITRC and the DTC and manager recommendations, the ITRC recommendation shall be transmitted to the Superintendent/President for presentation to the Board of Trustees for action as required by Education Code sections 87609 and 87610(b).

General Provisions

- 7.21 While a grievance may be filed alleging a violation of the procedural steps of this Article (except the steps contained in sections 7.3 through 7.7, inclusive), except as set forth in this section no grievance may be filed or considered regarding the contents of a written evaluation. There is one exception to the limitation on filing a grievance regarding the contents of an evaluation as follows:
- The instance in which a grievance may be filed pursuant to the first sentence of Education Code section 87610.1(b).

ARTICLE 8 PERSONNEL FILES

Official Personnel Files

- 8.1 The official personnel files of each unit member shall be maintained at the District Human Resources Office. The contents of the personnel file shall be kept in the strictest confidence pursuant to the appropriate provisions of the Education Code and the Government Code. Materials

in the personnel file which may serve as a basis for affecting a unit member's employment status shall be available for inspection by the unit member or by a representative designated in writing by the unit member.

- 8.1.1 Ratings, reports, or records which were (1) obtained prior to the employment of the unit member, (2) prepared by identifiable selection or evaluation committee members, (3) obtained in connection with a promotional examination, or (4) as otherwise excluded by law shall be excluded from review.
- 8.1.2 A unit member may inspect the personnel file upon request, provided that the request and the inspection are made at a time when the unit member is not required to render service to the District.
- 8.1.3 The Human Resources Office shall maintain a log that indicates the name of any person, excluding employees of the Human Resources Department, who has examined a personnel file, as well as the date on which the file was examined.

Derogatory Information

- 8.2 Information of a derogatory nature, except information contained in a unit member's evaluation, and information excluded from review pursuant to sections 8.1 and/or 8.1.1, above, shall not be entered or filed in the personnel file, unless and until the unit member is given notice and the opportunity to review and comment thereon.
 - 8.2.1 The unit member shall be afforded the opportunity to meet with the Executive Director of Human Resources or designee to review the derogatory information prior to a determination of the propriety of placement in the personnel file. The review shall take place during normal business hours and the unit member shall be released from duty for this purpose without salary reduction, with the exception that instructional faculty shall not be released from scheduled classroom instruction time.
 - 8.2.2 If the Executive Director of Human Resources determines that the derogatory information is false, inaccurate or misleading, the information shall not be placed in the personnel file. Derogatory information that is based upon an anonymous complaint may not be placed in the personnel file unless the Executive Director of Human Resources concludes that there is a factual basis for the complaint.
 - 8.2.3 If the Executive Director of Human Resources determines that the derogatory information is to be placed in the personnel file, the unit member shall have the right to enter and have attached to any derogatory statement, the unit member's comments thereon within 10 days of the notification set forth in section 8.2.
 - 8.2.4 If a grievance is filed pursuant to ARTICLE 13, GRIEVANCE PROCEDURE, the derogatory information shall not be placed in the personnel file until the completion of the grievance process. The decision rendered at the final level of the grievance procedure shall determine what information, if any, shall be placed in the personnel file.

General Provisions

- 8.3 When a unit member receives an award, commendation, or recognition from the District related to the unit member's instructional or service performance, notice of the award, commendation, or recognition shall be placed in the personnel file. When the District receives notice of an award, commendation, or recognition of a unit member's instructional or service performance, the unit member shall be provided a copy of the document. In addition, a copy may be provided to the evaluation committee by the unit member.

- 8.4 While a grievance may be filed or considered regarding a violation of the procedural steps of this Article, the substance of materials contained in any personnel file shall not be subject to the grievance procedure.
- 8.5 Upon written request, a unit member shall be furnished with a copy of material in the personnel file, excluding those items encompassed by section 8.1.1. The charge for copies shall be \$.10 per page.

ARTICLE 9 DISCIPLINARY ACTION

- 9.1 Disciplinary action shall be imposed upon unit members only for just cause and pursuant to the terms of this Article. The provisions and procedures of this Article shall not apply to a suspension or dismissal action instituted pursuant to Education Code section 87660, et seq., or to a dismissal pursuant to Education Code section 87730, et seq.
- 9.1.1 Any disciplinary action should be reasonably related to the nature of the offense committed by the faculty member and should take into account prior discipline imposed on the faculty member (if any).
- 9.1.2 The terms “disciplinary action” and “discipline” as used in this Article shall mean, a letter of warning, a letter of reprimand, or a loss of an extra pay assignment or “R” and/or “T” salary factor when any of these actions is taken as a result of an offense committed by the faculty member.
- 9.1.2.1 The following are not considered disciplinary actions and are specifically excluded from the provisions and procedures of this Article: oral warning, incident report, or deduction of pay for being absent without leave (AWOL) in the absence of any other discipline.
- 9.1.2.2 Also specifically excluded from the provisions and procedures of this Article are actions taken by the District as part of the process of performance observation, review, or evaluation pursuant to the provisions of ARTICLE 7, EVALUATION PROCEDURES AND TENURE REVIEW PROCESS, or the placement of materials in the District’s personnel file pursuant to the provisions of ARTICLE 8, PERSONNEL FILES.
- 9.1.3 No disciplinary action shall be taken for any cause that arose more than two years preceding the date of the notice of disciplinary action unless the cause was concealed or not disclosed by the faculty member when it reasonably could be assumed that the faculty member should have disclosed the facts to the District. Further, with regard to a tenured regular faculty member, no disciplinary action shall be taken for any cause that arose prior to the regular faculty member becoming a tenured employee, unless the cause was concealed or not disclosed by the faculty member when it reasonably could be assumed that the faculty member should have disclosed the facts to the District.

Pre-Discipline Investigation

- 9.2 Any matter that could result in the imposition of discipline or any recommendation for disciplinary action shall be brought to the attention of the Superintendent/President. The Superintendent/President or designee shall investigate the matter and shall hold an informal meeting with the faculty member or, if requested by the faculty member, with the faculty member and a representative.