

PERFORMANCE REVIEW ISSUES

By Kris Fertel

Your peer review team has recommended to not grant you tenure; or, you are being given an overall unsatisfactory on your peer review; or, you are informed you will have an extended or extra review. Nothing motivates faculty to meet with their union representatives more than concerns about their livelihood. At the end of each semester, college union presidents are confronted with a myriad of performance review issues. However, the best time to bring up such concerns is before things are being put in writing. You should begin thinking about this year's performance review right now.

Many faculty have misconceptions about performance review (a.k.a. Article 8). Performance review is not a punitive process developed by management; it is a contract issue that has been jointly developed and negotiated by faculty to ensure professionalism within the institution. It is your process for ensuring that we all continue to strive for and achieve excellence and that our district continues to be known for such excellence. Not taking it seriously disrespects who we are as educators. Believing that management controls it blinds you to when they are the ones abusing the process. For these reasons, when you are hired, union representatives make the following recommendations:

- Get to know Article 8. There are specific criteria for what constitutes professional behavior for all faculty members. Meet them. There are specific guidelines, timetables and procedures for peer review that must be followed. Know them.

- Record everything. Think about what you do for your department, your area, your profession, your campus and the community at large beyond the scope of your daily work. Serving on committees, rewriting curriculum, writing articles, attending conferences and participating in events are all examples of your contributions as a professional. You will need to document these in your self-study.

- Ask for a sample self-study. Every department or area structures them a bit differently to account for their individual disciplinary differences. Try to get one from a colleague in your field who is not part of your PRT when possible. Use them as a model.

Beyond these general recommendations, let a union representative know if you have any questions or concerns. Here are examples of some of the issues you should share with us:



“I am being given a needs improvement overall. Can they do that?” Yes, if there is justification and there are specific examples for each less than satisfactory rating. Less than satisfactory ratings cannot be arbitrary or secretive; you have the right to know why and what you have done specifically to receive them. Moreover, the justification shouldn't be a complete surprise. It needs to be documented over the course of the period under review. Deans should be alerting the faculty member of issues via email, meetings with the faculty member, etc... If such a decision has been recorded and supported, keep in mind you have the right to append any written rebuttal or explanations to the review form.

“One of the faculty members on my team is out to get me. Can I file a grievance against him/her?” No. Grievances are not faculty against faculty. What you can do if you are tenure-track and if you know you have a personality conflict with a team member, is file a one-time preemptory challenge in your second, third or fourth year review to have that individual removed from your team. That challenge must be filed within three weeks after being notified of your team composition. If time has lapsed and/or that is not possible, make union representatives aware of your concerns so that we can help you find the best possible solution.

“My peer review is being delayed due to extenuating circumstances. Can they do that?” Yes, but not without the consent of the Union, as performance review is a contract between the Union and the District. Union officials must be informed of and consent to any delays, even if the faculty member is the one who has pursued and requested such delays.

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“I’m full-time and being told I need to do a formal extra or extended review in the spring. Can they do that?” There should be no extended reviews. Faculty are reviewed in either the Fall or the Spring semester, as specified in the relevant timetables in Article 8, depending on whether you are tenured, tenure-track, or adjunct. The review itself must be completed by the end of the semester under review and submitted at that time unless you are tenured, in which case the form must be submitted by the end of the academic year. All regular or adjunct faculty may be subject to an extra review under two special circumstances, a Reassignment Review or a Special Review, as specifically defined in 8.14 of your contract. *Such reviews are conducted by a special review team. If you are being asked to do an extra review that is not one of the above, you should contact your union representative immediately so that we can determine if this is some form of informal review, etc... and ensure that the contract is being upheld.

“My performance review team is trying to use SLOs and/or other statistical data to evaluate my performance. Can they do that?” No. In a review team conference, the team may discuss “the results of the syllabi, workstation observations, the review of professional responsibilities, administrative documentation and the student review forms.” Those are the

only elements that may be discussed, considered and cited in recommendations by the team.

“I’m an adjunct faculty member with preference and have been denied load because of an overall less than satisfactory performance review last semester. Can they do that?” No, if that was the sole reason and the performance review prior to that one was satisfactory. As per 4.10.8.1 of your contract, adjunct with level 2 or 3 preference who receive two consecutive, documented overall less than satisfactory performance reviews may be denied a load.

Those are examples of some of the situations in which your union representatives have represented members over the past year. If you let us know, we can help make your performance review truly reflect and enhance your performance.

As a final note, although being judged by others often gives rise to a desire to wave fists and rage against the machine, consider your goal. If your goal is continued employment, keep in mind that the “they” in all of the situations above are those with whom you will work closely. Do not take on your colleagues or managers in anger, do not refuse to participate further and become insubordinate; just pause and breathe. Then call us and let us take it on for you. ■

DISPUTE RESOLUTION

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