

Bargaining Session 12 – 1:25 PM  
6/8/09

Administration in Attendance: Cathy Cobb, Beverly Slaughter, Darla Ferguson (alternate), Marian Shelpman, Linda Miedema, Chief negotiator: Mark Levitt

Faculty in attendance: Holly Kahler, Kerry Markey, Laura Earle, Lynn Spencer, Chief Negotiator Michael Moats, Judi Schatte (alternate)

Article 9

Mark – Questions and potential issues – 9.1A – evaluation should be used for learning and improvement, however, a bad evaluation can be used to demonstrate poor teaching performance

Michael – intent is that if someone is not performing adequately, the discipline should not be based on evaluation, but performance. Evaluation is an attempt to improve performance and instruction.

Mark – don't need the last sentence "Evaluation shall not be used for disciplinary purposes". B – program managers (Program Coordinator 3) are not the evaluators, but they may be assigned to do the classroom evaluation. If this is meant to say that they can't be used to evaluate in the classroom, then we disagree. We want that flexibility. C – basically current language (unit member can request an evaluation prior to March 1 of each year.)

Michael – evaluation is every three years, not every year.

Linda – currently says in 9.2A3d every year

Michael – should be every three years for tenured faculty.

Mark – says for tenured evaluation should be for 3 years.

Michael – then take the next two sentences out in 9.2A3d. End with "The completed evaluation..."

Linda – I have a few faculty that teach in summer term. Does that mean that they cannot be evaluated in that term?

Michael – no

Mark – how about in 1<sup>st</sup> semester?

Michael – in 1<sup>st</sup> or second term.

Linda – we currently do written evaluation once a year

Michael – this is to make sure that we are getting evaluated frequently enough.  
9.2A3a – first term (not Fall and Spring), b – may be evaluated twice a year, d - once every 3 years.

Mark – 9.2A – remove extra comma in second line. Program manager is the designee. You don't have to agree upon who is being sent in.

Michael – it should be mutually agreed upon.

Mark – often it is the program coordinator who evaluates. Could also be the associate provost. Intent of “all components are prepared in writing and discussed with campus provosts.

Michael – this is because you said that the evaluations are often done by associate provost and should be discussed with the provost.

Mark – don't think we need it. Self evaluation component doesn't need to be discussed.

Michael – I disagree.

Mark – so, the final evaluation must be discussed...

Michael – may have goals set early in the year, may want to discuss with the provost early in the year.

Mark – there is not a problem with the communication currently, if it becomes a problem, then we can discuss.

Michael – we don't know if it's a problem. We haven't had the situation until this year.

Mark – muddying the waters, every strength needs to be discussed with the provost?

Michael – only the three items such as goals, strengths weaknesses, etc is all a two page document that can be discussed at one time. Our expectation is that all of those things will be discussed at one time. Each piece will not be discussed individually.

Mark – Next paragraph in 9.2A is worthless.

Michael – just gives a roadmap and tells it where the form is.

Mark – should just say that it is all on the form.

Michael – evaluation is in the first semester, annually until tenured, then every 3 years thereafter.

Mark – 9.2A1 – last line “...dean with “student level” access” should be changed to supervising administrator.

Michael – that would be the provost or the associate provost.

Cathy – would it be Bev or me for an on-line course?

Michael – the delivery method should not make a difference.

Cathy – if every full-time faculty chose to have an on-line course, I would do them all. Right now, I evaluate all the courses and point out the problem to the campus provost who does the actual evaluation.

Michael – your role is not to evaluate the faculty, but the course content.

Mark – the administrative supervisor is the person who we designate.

Michael – that is why we put administrative supervisor, not dean or provost.

Mark – we need to assume the appropriate level of organization happens. Pre-evaluation conference – I have been told that we do not always do this.

Michael – only for non-tenured faculty so they know what is happening.

Linda – there is a mentoring process in place just started in the last two years.

Michael – no problem if that actually happens and they have a way to learn the appropriate items needed in dealing with the administration.

Mark – so this needs to say “prior to first evaluation, the college will either meet with faculty members or advise...”

Michael – faculty might want to speak to the administrator about various issues.

Mark – there is some level of communication that is in place, there is a way to communicate with the provost. There is common courtesy, this doesn't need to be in the contract.

Michael – with no-tenured faculty, a provision must be in place. For tenured faculty, they should have a mechanism.

Mark – it is really not a pre-evaluation conference, it is an advising session. The union gives workshops, etc. Why isn't this union?

Michael – the administration is the evaluator, not the union. We can't tell the faculty member what the administration is looking for. The burden is on the administration to assure that it is adequate.

Mark – there is a program in place. The mentoring program exists

Micheal – the administration has an obligation to evaluate and make sure that the faculty is adequately trained.

Mark – it is the requirement of the administration to sit with each faculty and explain the evaluation process.

Michael – the mentors are not evaluating anyone. The administration is evaluating. If someone has not been taught by the administration, then it is not binding. The mentoring program is not in the contract.

Mark – knowing what is expected of them is important. How that is achieved is another story. However that is accomplished is up to us.

Michael – you can't wait until the evaluation to tell a faculty member what they are being evaluated on.

Mark – 9.3A5 – why do we need unjust? Inaccurate, and incomplete covers it.

Michael – unjust is a misguided opinion, not necessarily incomplete or inaccurate. If they don't agree with the opinion, they have a right to say they don't agree with it.

Mark – on appeal of evaluation, they go to step one. we think there should be no appeal. It is administration's function to evaluate, it should be in the written response.

Michael – the process is grievable.

Mark – we do not agree to 9B. student opinion surveys – We have some problems with the survey, we will discuss the form itself later. On 9B5 – student evaluation either goes back to the faculty member, or is retained (if non-tenured).

Linda – we have an overall summary that comes in a binder from IT.

Mark – 9B6 – to put a percentage may be a problem. 30%? Maybe 28%.

Michael – the intent is that there is a significant amount.

Mark – this should be between the faculty and the administrator. How did it become that number? It may be used.

Michael – how about “a significant number”? We are not looking for outliers, we are looking for trends.

Mark – is it a problem currently?

Michael – that happens all the time at other places.

Mark – then it is on the faculty to point out the discrepancies.

Michael – I have no problem with a reasonable thing.

Mark – BCC has not had the history of HCC

Michael – BCC’s chapter has been in existence and is growing faster than HCC.

Cathy – there is no way to know how high a percentage if we are not allowed to keep the evaluations over a two year period.

Michael – IT should be able to do that.

Mark – have we even looked at the old evaluation forms? Going from a 26 page to a 90 page contract. Someone has to do something with every piece of the contract rewrites. We don’t need to make this harder than it is.

Michael – to the extent that the current contract is applicable, we took a lot of it. There’s a lot that isn’t in the current contract.

Mark – On-line instrument and secure web-based interface, etc. are nice words, but may not be able to be done for a reasonable amount of money. We will need to discuss this.

Michael – the students should be able to do an evaluation in an anonymous format (one per student)

Mark – 9.2b7 – faculty signature? Needed?

Michael – yes. Would anyone bother to sign an evaluation that says you are unsatisfactory? No. So needs to be present.

Mark – 9.3A – Department chairs and Program managers are evaluated by both administrators, full time and adjunct faculty. Again, that should continue. In 9.4 curriculum coordinators and program coordinators are the same.

Laura – sometimes are different people.

Mark – forms – We won’t be able to formalize these evaluation forms over the next few days. This would lend itself better to committee.

Judi – we had been trying to do this, but no administrators stepped up.

Mark – we need to do this in committee.

Michael – we have no problem with a joint committee. We don't think the Board cares, but we do think faculty cares. The team wrote the article, not me. It is not straight out of HCC. Laura and Judi spent a lot of time on this by combining Faculty Handbook, new items and old items from the prior contract. The forms were a better starting point from HCC than the old BCC forms. It had been argued on both sides (administration and union at HCC). I think that this needs to be both by the administration and the union here rather than the Administrative Affairs committee because neither side should give up its control at this point.

Mark – with the goal of trying to get this done by the end of the month, we need to get this moved over.

Darla – we had problems getting the Scantron paper so we've been discussing only online surveys.

Michael – we have no problem with the entire thing being online with appropriate safeguards in place. What happens to the paperwork and evaluations if there is provost turnover? This would enable tracking of data in a more efficient way.

Caucus 2:35 PM resumed 3:30 PM

Michael – 9.1A, 9.1D we are willing to leave it as proposed. Page 2, 9.2A –remove mutually agreed upon peer, no peer observations. Under formal observation” dean” changed to supervising administrator”, 9.3A – the fall and spring terms will be “within the first 2/3 of each term of the academic year”. 9.3B – each non-tenured faculty may beevaluated..., tenured faculty every 3 years. Page 5 – inadvertently left student evaluation – should be survey (students are not trained to evaluate), page 6 – “evaluation” replaced by “survey”. 9.2A5b – appeal of evaluation – insist on retaining the ability to appeal a disagreement over factual conflicts. Page 6 D – unjustly denied tenure determined on appeal it was inappropriate, so this must be left on the evaluation form. 99% of the people in this institution are intelligent and reasonable, but there may be some people who do not follow process correctly, there must be protective language. Page 5 item 6, can remove most of this if we can come up with reasonable language. We are looking for some way to evaluate trends, not outlying information, truly indicative of correct evaluation. The problem with not discounting every students opinion, this could be very emotionally vested and may be mostly subjective, not objective.

Mark – we do not disagree that students may be vindictive or whatever, but provosts should be able to evaluate what is fair or right. The anomalies shouldn't have to be in the contract. You are trying to tie our hands. It is giving up control and discretion and communication and turning it into an industrial setting. The provosts are not going to go with the students evaluation or whatever, it is not just a percentage, this would actually

tie the hands of the provost and take away the credit from the administration to do the right thing, Unless you put in some reasonable thing. The system works, people did not in the end, get screwed.

Michael – first of all, we tried to craft language that benefits both sides rather than just us to help us with negotiations. If this was something only for us, I would have said “UNLESS 30% or more are affected...”, but we tried to give you more latitude in using this for administration evaluation. Students are not trained to evaluate teachers, but they can give opinions. To raise it to the level of an evaluation that reflects on tenure, there must be reasonable protections in place.

Mark – that’s where discretion of the administration comes into play.

Michael – why don’t we take out from “If 30% or more...in the faculty member’s class” And insert “if the number of responses suggest a less than satisfactory performance”. How about “if a trend in responses...”?

Mark – if two terms is stipulated...

Michael – we would like a reasonable exercise of discretion and we need language to cover that.

Mark – OK with “trend”.

Michael – there is a lot of information gathered that has nothing to do with the faculty member.

Mark – 9.1A – “evaluation shall not be used for discipline” should be “evaluation should not be used as a disciplinary tool”. The designee should be ok for the faculty classroom evaluation.

Michael – they should not be doing the evaluation if they are part of the bargaining unit.

Mark – you want faculty to do tenure, but you don’t want them to evaluate the teaching? You want peer evaluation.

Michael - If you don’t believe that the provost can do the evaluation, then you may need more supervisors. If you can’t do the evaluation, then they get a satisfactory.

Linda – more well-rounded evaluation if multiple people evaluate.

Michael – “administration shall not assign the evaluation of a faculty member to a program chair or program manager more than once over a three year period”?

Linda – that might be better for situations with a difficult faculty member.

Michael – that might eliminate time management trouble for non-tenured faculty evaluation.

Mark – 9.2A – “components include ...supervisor or designee...”

Michael – anytime we discuss “supervising administrator” that includes, Provost, vice Provost, Associate Provost, Dean of Libraries. All evaluations shall be reviewed by the Campus Provost. Actually, “all evaluations of instructional faculty shall also include student opinion surveys and be reviewed by the Campus Provost”

Mark – 9.2A2 - Evaluation conference: “Prior to the first evaluation during an academic year, non-tenured faculty members will be apprised of objectives, methods and materials to be used in the formal observations and evaluation...”. Tenured people should know that if they want a meeting, they should contact the supervisor. We don’t think they should be able to appeal in 9.2A5b.

Michael – just because something is said in the form, they should be able to dispute those facts.

Mark – they can only appeal the process, not the evaluation.

Michael – if it is incorrect facts, then the unsatisfactory can still end up on the form which goes in the permanent record.

Mark – so, in the event of a less than satisfactory evaluation can appeal. The burden of proof should be on the employee to prove that it is incorrect. This should end at the President. There should be no arbitration step.

Michael – it is almost impossible to establish a negative. The statement of the performance cannot be disproved. We are ok with no arbitration.

Mark – take out the last sentence then.

Michael – take out clear and convincing then.

Mark – no, take it all out.

Michael – this has a punitive impact.

Mark – this is not discipline

Michael – yes, a less than satisfactory rating may cause decreased financial rewards.

Mark – will not agree to the burden of proof being on us. If it is taken out then it will be OK too.

Michael – not willing to give that up.

Mark – online format – if we go to an online survey then that would be fine.

Michael – if we go to an online format, we can sign it if it meets the criteria.

Mark – we could add language “in the event we go to an online format”  
We think we have the distance learning evaluation forms. Department chairs and Program coordinators

Michael – we changed some language 9.3 – we don’t have a problem with there are not sufficient numbers of faculty, no problem with adjuncts or other programmatic instructors being involved. A – department chairs are to be evaluated by the full time faculty and administrators. A2 – program adjunct faculty members and full time faculty outside of program, the chair or the faculty being evaluated discretion.

Mark – it should be at the discretion of the administration, not the faculty. We are evaluating them, not the faculty

Michael – the contract doesn’t have any language for evaluation currently. Do you want the provosts to evaluate all the Department chairs and Program Coordinators? Depending on the program, the adjuncts may have the best idea of the faculty fitness.

Mark – 9.4 – take it all out. Most of the Curriculum Coordinators are the same as the Department Chairs. 9.4A3e – “the faculty member’s performance will be considered “satisfactory””.

Caucus 4:25 PM resumed 4:40 PM

Mark – we cannot have the “burden of proof”. You are not going to require that the administrator has the burden of proof. The faculty has made the accusation.

Judi – let me understand: if Linda does my evaluation and Linda puts down something that I don’t agree with, it is up to me to prove it? How does she come up with that proof that she did?

Mark – that’s the normal give and take of arbitration. This doesn’t belong in there. If you are not going to arbitration, it has no place in the process.

Michael – how about “if the grievance relates to the rating, this can only go to the President

Mark – no. Not grievable

Judi – in the business world, if they put something down on the evaluation, there are consequences of that.

Michael – we can grieve the procedures. Second, we are only grieving the factual content if it is a less than satisfactory evaluation. Someone should not have to live with the evaluation form with incorrect information on it.

Mark – the evaluation itself can still be unsatisfactory, however.

Michael – of course, you can't grieve the unsatisfactory evaluation. You can grieve the factual contents, not the overall evaluation.

Mark – it's still a grievance

Judi – you are fighting for your career

Mark – you make your pitch to the President.

Michael – how do you prove that it wasn't what the evaluation stated?

Mark – You are getting an ear to the President to make the pitch. That is a big deal.

Michael – he shouldn't have to. Don't put less than factual information on the evaluation form. That needs to be able to be disputed. If this language was in place this year, it would have minimized the amount of time used.

Cathy – if that language stays in there, I'd put you in the unsatisfactory column all the way down.

Michael – that is not an appropriate use of the evaluation form. Put this in perspective: how many times have we come to offer you ways to get rid of unsatisfactory faculty? We want a mechanism for this. You should be arguing for this language, not against it.

Mark – everything you do is tying our hands. The key thing we have given you is the right to grieve to begin with. It is giving you an audience with the President that you would otherwise not have a right to. Burden of Proof doesn't mean anything to the president, it's not court.

Michael – so “the administration will demonstrate” rather than “the burden of proof”. This gives you evaluation procedures to follow.

Article 10 and Appendix XX

Mark – 10.2 – “The college agrees to sponsor programs...”

Michael – these are professional development hours that are offered through the campus continuing hours. We are giving you in-service days for this. Can go through UCF to get campus credit courses either during the year or in in-service time. This is already in current language. Could include workshops, courses or CEUs.

Beverly – could also be using in-service for departmental or campus business

Mark – to require it during in-service or off-campus in disingenuous.

Michael – it could be something as simple as a sponsored program. I didn't think that leaving the language that's already there would be an issue.

Mark – change “in-service days or other...”

Beverly – we may choose to use an in-service day for textbook evaluation or course revision instead of as educational.

Michael – how many in-service days at beginning of term?

Beverly – have professional development days, discipline meetings, etc. during that week, faculty is given time to get their courses done for the semester or professional planning.

Mark – we need to guard against requiring things at specific times.

Michael – I disagree that the faculty should even have to be here for planning days at all. The majority of schools have 2 in-service days, 1 is professional development, the other is for campus issues.

Mark – page 2 – faculty must complete 10 hours of professional development – we currently have no set time.

Michael – it is currently zero.

Mark – do we want to delineate 10 hours? It is silent now, do we need language?

Michael – this will give faculty a minimum standard but also force faculty to continue to improve by doing some form of continuing education.

Mark – we don't have a minimum number.

Michael – participating in an articulation meeting can do 1/3 of the total hours for example. 10 seems like a reasonable number.

Mark – non-tenured faculty development –

Judi – we are trying to give non-faculty just coming on board a chance to develop faculty skills.

Michael – they have a lot of different opportunities to get those hours.

Mark – we are not going to require courses that we don't currently require. People don't think they need these courses.

Michael – then any course covering teaching methods would be adequate. On the AS side, there are very few graduate degrees in anything but teaching.

Judi – the mentoring program is there for the same reason.

Mark – they do need training, however, do you mandate a specific course? We will have to pay for that.

Michael – it is reasonable to have an internal course offering. We are not developing courses. It could be several workshops for training. There are other alternatives relevant to enhancing professional performance. There are 4 possible ways to do this. If they already took the courses, they could come in for this.

Mark – is this more appropriate to the Tenure Committee?

Judi – this isn't even coming into effect for 2 years.

Mark – We need to do more due diligent.

Michael – we can take out “graduate” coursework. The courses listed are UCF courses.

Mark – “the college may develop a program...”

Beverly – Fall 2010?

Michael – yes.

Mark – I will need to discuss this with the President. The Appendix has been taken out of the MCC.

Wednesday – Article 7, 8, 18, and continue Article 9 and 10

Adjourned 5:30 PM