

Campus Agreement

Evaluation for One-Year and Three-Year Temporary Appointments During the COVID-19 Crisis

CSUDH/CSUDH Chapter of CFA

The unprecedented, unexpected, and unique circumstances surrounding the COVID-19 crisis in Spring 2020 has made it very difficult to perform the evaluations required for one-year and initial and subsequent three-year temporary appointments consistent with the Collective Bargaining Agreement (CBA) (Provision 12.12, 12.13, and other provisions referenced within) between the California State University Dominguez Hills (University) and the CSUDH Chapter of the California Faculty Association (CFA) (subsequently referred to jointly as Parties). The Parties acknowledge and understand these concerns and will jointly work together to develop this memorandum of understanding to describe how departments and colleges should proceed with handling of these evaluations.

Provision 15.30 of the CBA provides a mechanism for postponing of initial and subsequent three-year appointments for faculty members on paid or unpaid leave. The Parties agree that the inability for faculty under review to come to campus to prepare a file for submission for review and/or the inability of faculty (or faculty committees) to perform the evaluation of the file are functionally equivalent to that of a leave, despite the faculty member not being on paid or unpaid leave. With this understanding, faculty members subject to an initial or subsequent three-year evaluation shall be granted a postponement and the paid or unpaid leave status shall be waived as described in 15.30. The Parties also agree that evaluations for one-year temporary appointments as specified in Provisions 15.23 and 15.24 shall be suspended until 2020-2021 unless otherwise noted below.

Furthermore, the Parties agree to the following guidelines for handling one-year and three-year evaluations in these circumstances. The parties agree that such guidelines are in effect only during the Spring 2020 COVID-19 crisis and are non-precedent setting.

Guidelines

1. Evaluations for one-year and three-year temporary faculty members who have already been fully through departmental review shall proceed with review by the Dean. In agreement with prior communication with the deans, this review shall be completed by May 30, 2020. In colleges and departments in which faculty members submit electronic Working Personnel Action Files (WPAF), reviews will proceed and be completed by the Dean by May 30, 2020.
2. Faculty members eligible for or currently in a three-year appointment who have not had their file fully reviewed by the department shall, by this memo, be automatically granted approval for a postponement without any further action.
3. Faculty members currently in a three-year appointment, whose evaluation period is postponed, shall also be granted a provisional three-year appointment, subject to the completion of a satisfactory evaluation as described below. The faculty member's entitlement (12.12c) and order of assignment rights (12.29) shall be treated as if they

were on a normal three-year appointment. The entitlement time base shall be based on their 2019-2020 workload (i.e. the third year of a three-year appointment).

4. Faculty members subject to an initial three-year appointment shall be granted a provisional three-year appointment, subject to the completion of a satisfactory evaluation as described below. The faculty member's 2020-2021 entitlement (12.12c) and order of assignment rights (12.29) shall be treated as if they were on a three-year appointment. The entitlement time base shall be based on their 2019-2020 workload (i.e. the sixth year of continuous work).
5. Faculty members who receive a postponement of their evaluation through this process shall undergo an evaluation in the 2020-2021 Academic Year following all University, College, and Department Policies. The deadlines for this evaluation shall be determined by the college in consultation with the Office of Faculty Affairs and Development. The time frame under consideration during the evaluation shall be the same as the originally scheduled evaluation AND any additional time as allowed by the deadlines determined by the college.
6. In alignment with the language in 15.30, if the Dean determines that the faculty member has performed satisfactorily, the condition for satisfactory evaluation will be met and the tentative appointment will be fully executed without further conditions.
7. If the Dean determines that the faculty member has not performed satisfactorily, the condition of satisfactory evaluation shall not be met and the appointment will end at the completion of the 2020-21 academic year.
8. Faculty members subject to a one-year appointment evaluation whose department-level has not been completed shall be granted a subsequent conditional one-year appointment. Despite the absence of an evaluation, temporary lecturer faculty members, for the 2020-2021 academic year only and without future precedence, shall be considered to have performed satisfactorily for purposes of appointment in the provision 12.29 of the Collective Bargaining Agreement (“Preference for Available Temporary Work”).
9. Faculty members with one-year appointments who were not fully reviewed in 2019-2020 will submit materials from 2019-2020 and 2020-2021 for their subsequent (2020-2021) evaluation and review committees shall consider all materials from 2019-2021 in the next evaluation. Faculty members being reviewed for an initial three-year appointment in 2020-2021 shall submit all materials, including those from 2019-2020, for evaluation.
10. This agreement explicitly reaffirms that temporary lecturer faculty members eligible for a one-year conditional appointment per provision 12.3 shall receive such an appointment with an entitlement “...equal to or greater than the time base in the prior academic year...” and “... subject to the limitation stated in 12.5.”
11. This agreement explicitly reaffirms that department chairs must follow Provision 12.29 in the assignment of classes. Department Chairs’ questions about 12.29 should be directed to the Office of Faculty Affairs and Development. Lecturer faculty with questions about the order of assignment are encouraged to consult with CFA.
12. For purposes of assigning classes (per 12.29) during the 2020-2021 academic year, the University and CFA-DH Chapter agree that “careful consideration” should primarily rely on the most recent evaluation of the faculty member (assumed to be 2018-19 with continuous appointment), if such an evaluation exists, material in the lecturer’s Personnel Action File related to performance (i.e. letters or memoranda of concern, letters of reprimand, faculty rebuttals), and secondarily on the student evaluations from Fall

2019. Faculty members who have never been evaluated by the Department shall be considered to have performed satisfactorily unless there is material related to performance as noted above in the Personnel Action File. In such an instance in which a lecturer faculty member has never been reviewed and does not have material related to performance as noted above in their PAF, all material in the lecturer's Personal Action File, including online student evaluations, shall be construed in the light most favorable to the faculty member.

13. The Office of Faculty Affairs and Development will work closely with the colleges and departments to ensure that the provisional appointment language is consistently distributed across campus and that there is uniform adherence to this memorandum.

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