

**AP 7215      ACADEMIC EMPLOYEES – PROBATIONARY CONTRACT FACULTY****References:**

Education Code Sections 87600 et seq.

The District shall employ a faculty member for the first academic year of his/her employment by contract. Any person who, at the time an employment contract is offered to him/her by the District, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of his/her employment."

For the purposes of this provision, a contract employee is a probationary employee. A regular or tenured employee is a permanent employee. The Board of Trustees shall employ each academic employee as a contract employee, regular employee, or temporary employee.

A faculty member shall be deemed to have completed his/her first contract year if he/she provides service for 75 percent of the first academic year.

Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

- The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law and the collective bargaining agreement.
- The Board of Trustees shall receive statements of the most recent evaluations.
- The Board of Trustees shall receive recommendations of the Superintendent/ President
- The Board of Trustees shall consider the statement of evaluation and the recommendations in a lawful meeting of the Board.

If a contract employee is working under his/her first contract, the Board of Trustees, at its discretion and not subject to judicial review except as expressly provided in law, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following academic year.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is working under his/her second contract, the Board of Trustees, at its discretion and not subject to judicial review except as expressly provided in law, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following two academic years.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is employed under his/her third consecutive contract, the Board of Trustees shall elect one of the following alternatives:

- Employ the probationary employee as a tenured employee for all subsequent academic years.
- Not employ the probationary employee as a tenured employee.

The Board of Trustees shall give written notice of its decision under Section 87608 or 87608.5 and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resources Office. Failure to give the notice as required to a contract employee under his/her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board of Trustees shall give written notice of its decision under Education Code Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resources Office. Failure to give the notice as required to a contract employee under his/her third consecutive contract shall be deemed a decision to employ him/her as a regular employee for all subsequent academic years.

United Professors of Marin (UPM) shall consult with the Academic Senate prior to engaging in collective bargaining on tenure evaluation procedures.

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**Date Approved: December 13, 2011**