

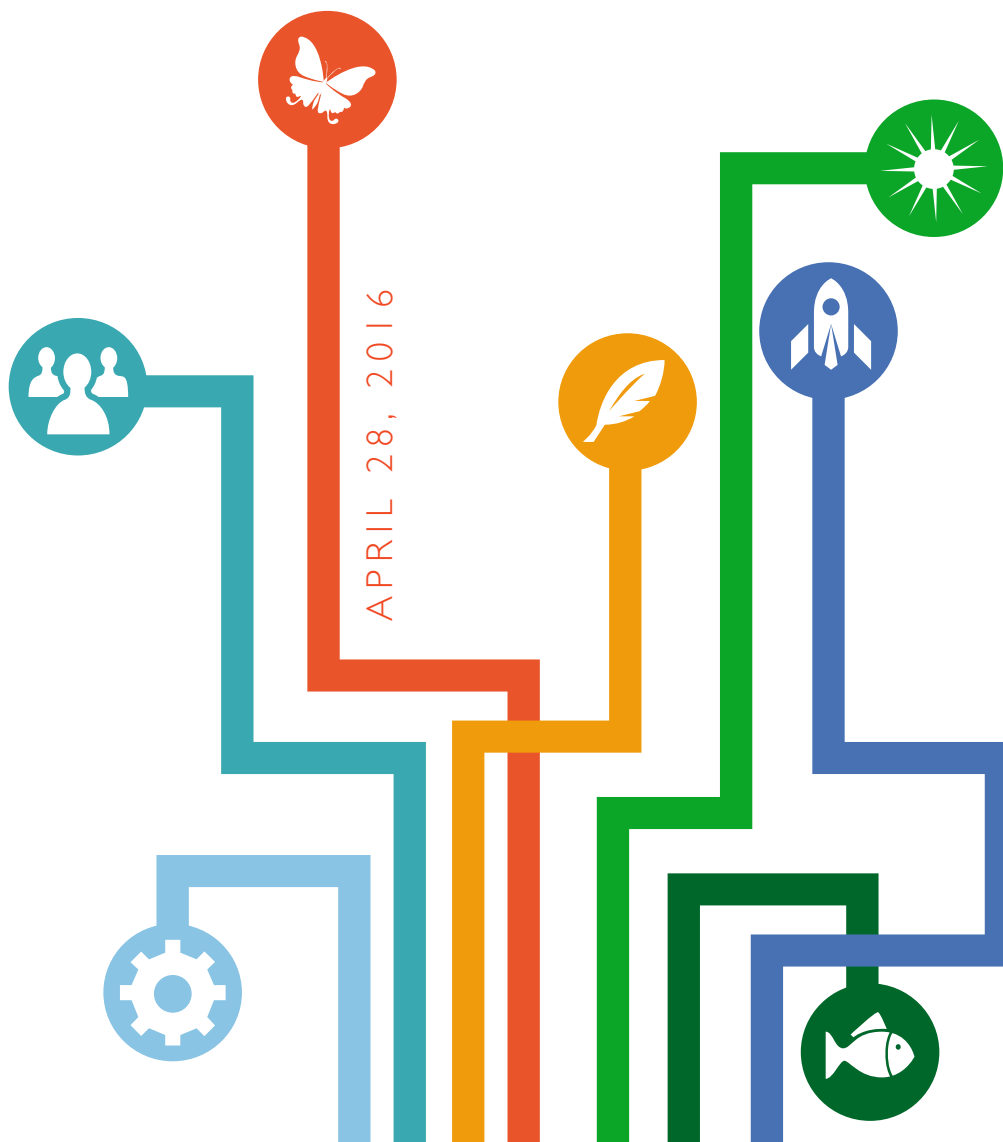


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L.E.A.D. ACADEMY WORKSHOP

presents

PERFORMANCE MANAGEMENT (CLASSIFIED AND ACADEMIC EMPLOYEES)

APRIL 28, 2016

Oxnard College Performing Arts Building



LAURA SCHULKIND OF LIEBERT CASSIDY WHITMORE

With over 20 years of experience in school and public sector law, Laura Schulkind has developed an extensive background in the successful resolution of many employment and education-related issues and is experienced in all phases of school and employment law. Her areas of expertise include board governance and the Brown Act, student rights and discipline, certificated and classified evaluation and discipline, employee leave rights and the interactive process, contract grievance arbitration, harassment, employee investigations, education services for non-English speakers, employment and educational testing and accountability, school safety planning and hate crime prevention, OCR

investigations, special education, desegregation, and designing lawful strategies to promote employment diversity. She is currently on the Board of Governors Title 5 Task Force, where she is assisting with revising the EEO and hiring regulations for community colleges.

Laura leads the firm-wide practice regarding students with special needs--including the IDEA and state special education law, Section 504, and the proper use of general education services and "Response to Intervention" strategies to serve students within the general education program. Laura's expertise includes the proper designation of Section 504 eligibility and accommodations, serving students with diabetes, developing IEPs for students with autism, and the administration of medication at school. Under Laura's leadership, the firm takes a highly collaborative approach to special education issues, looking for creative and cost-effective solutions that help forge lasting, positive relationships between educators and parents. Laura has successfully negotiated numerous resolutions that keep special education students in public schools.

Prior to joining Liebert Cassidy Whitmore, Laura was a partner at a Bay Area law firm that specializes in education and employment law. While there, she represented school districts and other public entities on a wide range of school law and employment issues. Among other things, she twice represented coalitions of school districts challenging aspects of the STAR testing program and has a particular interest in psychometrics and legal issues relating to testing.

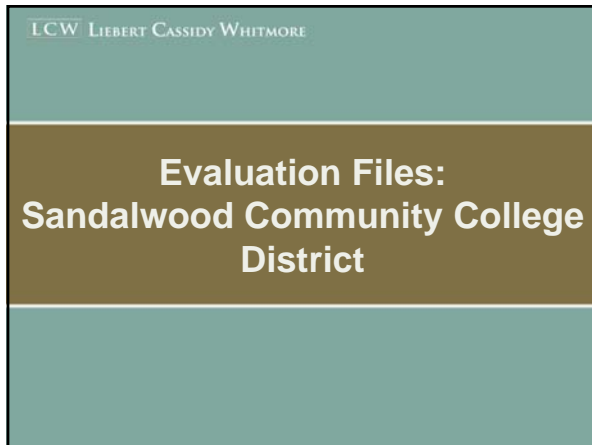
A sought-after presenter, Laura regularly conducts workshops for school districts, community college districts and professional organizations across the state in areas such as the Brown Act, conflicts of interest, harassment, best practices in management, certificated evaluation and discipline, school safety, employee leaves, student discipline, special education and EEO hiring. She is an Instructor at the University of California at Berkeley, School of Education, where she teaches education law in the Principal Leadership Institute and School Psychology Program. She also served as the legal member of the State Department of Education's hate crime prevention training team.

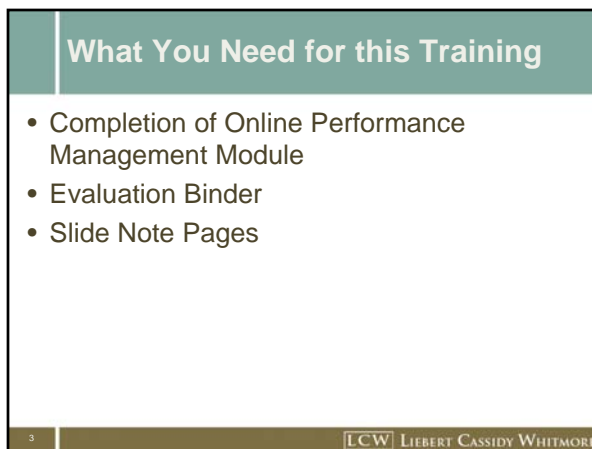
Performance Management

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Presented by: Laura Schulkind







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Preliminary Instructions

- **Groups**
 - Form groups of 3 and remember your number!
 - You will remain in your group of three throughout the workshop
- **Packets**
 - Do not read ahead in the Evaluation Packet!

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Cast of Characters

- Dr. Edmund – Dean of Student Services
- Dr. Hall – Head of the Counseling Department
- Jamie Salazar – Counseling assistant

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Factual Backdrop

Dr. Edmund was recently promoted to be Dean of Student Services at Sandalwood Community College. Prior to this, Dr. Edmund was a faculty member in the counseling department, where Dr. Edmund got to know Jamie Salazar. Jamie Salazar is a counseling assistant and has been with the District for 15 years.

Dr. Edmund has dreaded taking over Jamie's supervision. As a faculty member, Dr. Edmund was frustrated by the hands-off, conflict-averse style of then-Dean Smith, who just retired, and Dr. Hall the head of the counseling department. Up until this year, Jamie's personnel file gives the appearance that Jamie is an exemplary employee, due to Dean Smith's evaluations.

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Factual Backdrop

In reality, Jamie is arrogant and claims to know the best manner in which to advise students regarding their classes, careers, and financial aid. Jamie also feels disrespected by faculty members and thinks that faculty believe they are better than Jamie. Jamie responds by being hostile. At the same time, Jamie regularly fails to fulfill the requirements of the counseling assistant position, including:

- Cancelling scheduled office hours, which leaves students hanging;
- Avoiding his/her scheduled rotation at reception;
- Overstepping his/her role by giving advice and guidance that should only be provided by faculty counselors (and frequently the information is incorrect);
- Alternately, telling students there is nothing he/she can do on matters that are well within his/her purview.

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Factual Backdrop

Dr. Hall is the Head of the Counseling Department, a faculty position. Hall reports to Edmund. Although a faculty member, Hall has supervisory responsibilities over Salazar and the other classified staff in the Counseling Department, including: setting office hour schedules, handling performance concerns at the initial feedback and oral counseling stages, preparing the draft annual evaluations for Edmund's review and signature, and participation in the annual evaluation meeting.

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Factual Backdrop

Review Policies/Procedures in Evaluation Binder:

- Policies related to evaluations
- Policies related to discipline
- Personnel Rules
- CBAs

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Hard Conversations Exercise A

Exercise A: Instructions

In your groups of three:

- Turn to Exercise A of your packet and discuss the following:
 - What can be improved about Dr. Hall's memo?
 - What is the impact of a memo like this one?
- Designate someone to report back to the full group.

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Hard Conversations Exercise A-1

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Exercise A-1

Despite Dr. Hall's memorandum, Jamie's performance has not improved. Dr. Edmund is continuing to receive complaints from faculty and students. Dr. Edmund decides to meet with Jamie and Dr. Hall.

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Exercise A-1

Instructions:

- Based on the numbers you assigned yourselves when we started:
 - #1 – is Dr. Edmund – Turn to instructions for Role #1
 - #2 – is Jamie – Turn to instructions for Role #2
 - #3 – is Dr. Hall & Note taker – Turn to instructions for Role #3
- Dr. Edmund, meet with Jamie
- Note taker, be prepared to report to the full group

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Takeaway # 1: The Impact of Inaccurate Feedback

- Loss of important communication tool
- Inaccurate record of employee's performance
- Reduces ability to terminate or discipline employees or take other employment actions
- Increases litigation risks

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**Takeaway #2:
Be Proactive and Tell the Truth**

Be proactive: Ongoing communication with employee about performance

- Provide notice of needed corrections & positive performance
 - ✓ Throughout the year-NOT just in an annual performance evaluation
 - ✓ Observe and takes note of both the positive and negative
 - ✓ Provide prompt feedback: appreciation(+) or counseling (-)
 - ✓ Be specific & clear
 - ✓ Provide details

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**Takeaway #2:
Be Proactive and Tell the Truth**

Be Proactive: Ongoing communication with employee about performance

- Provide notice of needed correction & positive performance
 - ✓ Identify expectations
 - ✓ Identify consequences if performance or conduct does not improve
 - ✓ Keep focused and complete the communication
 - ✓ Place in personnel file and/or supervisor's file
 - ✓ Follow through with training/education, other assistance, counseling, or memo/other corrective action

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**Takeaway #2:
Be Proactive and Tell the Truth**

Be proactive: Ongoing communication with employee about performance

- Triggers for communication:
 - ✓ Outstanding & solid achievement
 - ✓ Apparent misunderstanding or misapplication of a policy/standard
 - ✓ Omission or failure of a job duty or policy/rule/standard
 - ✓ Scheduled progress checks, i.e. quarterly

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**Takeaway #2:
Be Proactive and Tell the Truth**

Utilize ongoing communication with employees about performance

- Provide notice of needed corrections & positive performance
 - ✓ Appreciation/Rewards
 - A simple "thank you"
 - Memo of commendation
 - Employee appreciation program
 - Certificates
- Remember: a surprised employee is usually a poorly supervised employee.

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**The Art of Constructive Feedback
Exercise B**

Exercise B: Instructions

In your groups of three:

- Turn to Exercise B of your packet
- Review the evaluation excerpts together
- Discuss: What can be improved?
 - ✓ Use the Feedback Checklist
- Write one improved comment for each example given
 - ✓ Use factual backdrop
 - ✓ Add your own details based on what Edmund can be expected to know

Back in large group:

- Discuss challenges
- share examples

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Takeaway #3

The Facts and Only the Facts

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Takeaway #3:
The Facts and Only the Facts

Language should be:

- ✓ Objective
- ✓ Descriptive & Specific
- ✓ Focused on Behavior & Actions

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Takeaway #3:
The Facts and Only the Facts

Objective Language:

- ✓ Helps employees understand supervisor's expectation
- ✓ Tells employees what skills/behaviors need improvement
- ✓ Cannot be described as "an opinion"
- ✓ Based on objective, measurable standards

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Takeaway #3:
The Facts and Only the Facts

Example regarding objective language

Subjective:
Daniel is nice to his co-workers and has a good attitude.

Objective:
Daniel helps others by taking on more work when he has a slow day. He also greets his co-workers each morning.

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Takeaway #3:
The Facts and Only the Facts

Descriptive/Specific Language:

- Does not use generalities or conclusions
- Write like a journalist would. Answer the Who? What? When? Where? Why?

But remember...

- This is an evaluation document not a discipline document.

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Takeaway #3:
The Facts and Only the Facts

Example regarding descriptive/specific language:

Vague:
Maria is careless with her work.

Specific:
For example, Maria's most recent memo about the 2014 Planning report contained three typos and did not include a cc to the appropriate supervisor.

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Takeaway #3:
The Facts and Only the Facts

Action/Behavior Language:

- Does not focus on attitude or personality
- Tells the reader what the employee *did*
- Focuses on the behavior itself, not the supervisor's reaction to the behavior, or explanations for the behavior

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Takeaway #3:
The Facts and Only the Facts

Example regarding action-based language:

- Judgmental: Martin is lazy.
- Factual: When Martin finishes an assignment, he waits for his supervisor to ask him if he is free instead of letting her know that he is available for more work.

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Takeaway #3:
The Facts and Only the Facts

Part of being fact-focused means not forgetting to include relevant information such as:

- If an employee is currently on a PIP
- If the evaluatee started mid-year
- Other **facts** relevant to the areas being evaluated, or the rating being given, such as prior conversations about same issues

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Takeaway #4

Remember What to “Forget”

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**Takeaway #4:
Remember What to Forget**

Don't include information that is:

- Not relevant to performance
- Should not be considered in assessing performance, such as:
 - Absences due to protected leaves
 - Performance deficiencies due to unaccommodated disabilities
 - Protected activities

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**Takeaway #4:
Remember What to Forget**

Don't include personal feelings or opinions:

- Words such as “likeable” or “pleasant”
- “Veronica often seems unhappy when she is given additional work”

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**Takeaway #4:
Remember What to Forget**

Don't include conclusion statements:

- *Manny's current duties are too hard for him.*
- *Connie is not a good team player.*

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**The Art of Constructive Feedback
Exercise B-1**

Exercise B-1: Instructions

In your groups of three:

- Turn to your list of improved evaluation comments
- Pick one...and make it even better, based on "takeaways" 3 & 4

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Improving The Written Evaluation Exercise C

Exercise C: Instructions

In your groups of three:

- Turn to Jamie's personnel file and review
- Discuss how Jamie's past evaluations can be improved
- Designate someone to report back to the full group

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Takeaway #5: Documentation

Documenting the Evaluation

- Provides clear notice of deficiencies
- Sets expectations and performance measures
- Documents performance trends over the evaluation period
- Includes a plan for improvement
- Communicates timelines and consequences
- Utilizes supervisor's file and personnel file

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Takeaway #5: Documentation

The Personnel File:

- Official record
- Confidential
- Disciplinary action is based on *this* file
- Follow rules and procedures
- Substantial and long-term impact on employee

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Takeaway #5: Documentation

The Supervisor's File:

- Keep track of details
- Temporarily keep documents that may or may not become part of personnel file
- Facilitates detailed discussions with employee
- Should NOT be abused
- Should be confidential

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Preparing the Annual Eval Exercise D

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Exercise D: Instructions

In your groups of three:

- Turn to exercise D in your packet and discuss how Jamie's performance concerns should be addressed considering the Feedback Checklist and Model Evaluation
- Draft an annual evaluation

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Takeaway #6: Bring it All Together

- Remember: the annual review is a culmination of an ongoing evaluation process
 - ✓ Review supervisor & personnel files
 - ✓ Review all other relevant data
 - ✓ Review previous evaluations & goals
- Opportunity for employee to self-evaluate
- Provide steps to improve deficiencies
- Set goals for next year

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Takeaway #6: Bring it All Together

- Quantity and quality of work
- Accuracy and thoroughness of work
- Deadlines and timelines
- Dress, appearance, personal hygiene
- Interaction with co-workers
- Patterns of behavior affecting performance
- Absenteeism/tardiness

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Takeaway #6: Bring it All Together

Annual evaluations should include:

- ✓ A clear explanation of ratings
- ✓ A comment section for each rating area
- ✓ Examples
- ✓ Employee's major accomplishments
- ✓ Obstacles & challenges over the review period

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Takeaway #6: Bring it All Together

Annual evaluations should:

- ✓ State whether employee met goals
- ✓ Compare job performance against job duties & performance standards
- ✓ Commend outstanding performance
- ✓ Identify all performance deficiencies
- ✓ Be honest & accurate
- ✓ Be specific & descriptive

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Takeaway #6: Bring it All Together

Annual evaluations should:

- ✓ Include employee's comments or self-evaluation
- ✓ State the possible consequences for continued performance deficiencies
- ✓ Identify any follow-up or training & assistance
- ✓ Require upper level or human resources review

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Presenting the Annual Eval Exercise E

Exercise E: Instructions

Dr. Edmund has prepared Jamie's evaluation and set a meeting for the annual evaluation.

- Based on the numbers you assigned yourselves when we started:
 - #1 is Dr. Hall & Note taker – Turn to the instructions for Role #1
 - #2 is Dr. Edmund – Turn to the instructions for Role #2
 - #3 is Jamie – Turn to the instructions for Role #3

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Takeaway #7: Take Time to Prepare for the Evaluation Meeting

Conduct an evaluation meeting

- ✓ Prepare based on the particular performance challenges
- ✓ Face-to-face discussions
- ✓ Begin with strengths, if possible
- ✓ Discuss improvement plan

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Takeaway #8: Follow Through

- Consistent follow-through on:
 - ✓ Remediation plan
 - ✓ Supplementary evaluations
- Do what you say you will do

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Takeaway #8: Follow Through

Consistent follow-through on training and assistance

- ✓ To maximize employee's ability to improve
- ✓ To maximize District's ability to successfully discipline employee
- ✓ To maximize District's ability to successfully defend litigation

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Thank You!

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Introduction

Goal

The goal of this course is to provide college managers and supervisors with an overview of how to manage employee performance through effective performance evaluations. This course is designed to discuss why performance evaluations are important, how to prepare yourself for evaluating employees, and how to conduct effective evaluations.

So, if you're ready, let's begin.

Embracing Performance Management

“Performance management” embodies the following concepts:

- Supervisors set goals and objectives with employees;
- Supervisors evaluate and measure an employee's performance progress;
- Supervisors provide continual feedback;
- Supervisors isolate performance problems and take appropriate action such as coaching or establishing an improvement plan when needed; and
- Supervisors recognize and reinforce positive performance.

Performance management is more than the annual performance evaluation meeting and report; it is an ongoing process. For any performance evaluation system to work, however, supervisors must regularly evaluate employee performance and not put off reviewing employees until their annual or scheduled review dates. They must engage in ongoing communication with their subordinates regarding performance issues.

Why Do Performance Evaluations?

Honest and continuous performance evaluation allow managers and supervisors to get the best out of their employees, and also assist in the elimination of problem employees who drag down the entire department's productivity and morale. Properly prepared performance evaluations will produce a number of benefits:

- 1. Effective performance evaluations help employees do their best and meet their goals.** They allow both managers and employees to identify performance problems as they emerge. Well-prepared and honest evaluation processes will increase an employee's self-awareness of their strengths and weaknesses as an employee, and promote the practice of self-reflection.

Effective evaluations encourage an employee's professional growth. They provide opportunities for supervisors to support an employee's improvement and growth by providing suggestions and strategies to overcome professional obstacles and maintain a high level of performance. An effective performance evaluation also increases an employee's motivation to grow or to continue to succeed.

2. Effective performance evaluations build useful documentation of employees. They provide notice to employees of areas in which they need to improve. Providing employees with this notice, opportunities to improve, and support also supports the process of progressive discipline. From a risk perspective, well-prepared and timely performance evaluations also strengthen a college's defense if an employee challenges an adverse employment action. Employees sometimes deflect from their own performance by characterizing adverse employment actions as the result of wrongful termination, discrimination, or harassment, rather than as a natural outcome of their performance. Effective, timely evaluations provide written evidence of reasons behind personnel decisions, and can help to reduce risk and associated costs of extended litigation.

3. Effective performance evaluations clarify an employee's job responsibilities and avoid claims or grievances. Managers must become familiar with employee job responsibilities to perform effective evaluations, which present opportunities to clarify job responsibilities to the benefit of both managers and employees. Managers are better able to identify when an employee may be working out of class, and thus better able to address or avoid related grievances. Clarifying an employee's job responsibilities also help to manage an employee's workload and job functions and methods of working, which can avoid unnecessary stress and injury claims.

4. Effective performance evaluations improve manager or supervisor effectiveness. To provide a thorough, well-prepared evaluation, managers must regularly review the routine tasks and skills that an employee needs in order to fulfill his or her job duties. It also requires managers to review an employee's working conditions. The performance management process yields information to managers that help to identify and set up conditions that support and effect employee productivity. Providing performance evaluations also facilitates relating employee performance to the objectives of the department and mission of the district. This type of information gathering, reflection, and analysis by managers and supervisors makes them more effective at leading employees and setting up departments for success and productivity.

5. Effective performance evaluations also comply with a college's legal and contractual obligations. Discipline for poor performance is subject to challenge if managers and supervisors fail to follow the evaluation process as required under various obligations. For classified employees, there may be specific requirements or employee rights affecting the evaluation process in the district's personnel rules or an applicable collective bargaining agreement. For academic employees, there are important statutory requirements around evaluations. This is an important point for managers and supervisors to be aware of. Failure to follow academic evaluation procedures can impede a district's ability to implement planned personnel actions for academic employees. Education Code sections 87671 and 87607 require that academic employees of a community college be evaluated in accordance with standards and procedures set out in the Education Code, and that the governing board receive recent evaluations, as

preconditions for dismissing or penalizing contract or regular employees, or for making decisions about continuing employment for contract employees. Thus, failure to follow the required standards and procedures creates a bar to many bases for termination and provides a basis for contract employees to challenge probationary nonrenewal.

Key Principles for Evaluations

There are certain key principles to keep in mind throughout the evaluation process.

- 1. Performance evaluation is an on-going process.** Effective performance management involves continual evaluation and feedback, even if there is only one formal evaluation each year. An employee who is surprised by the content of a formal evaluation has not been properly supervised and has not been given the best opportunity to succeed.
- 2. Performance issues are addressed through evaluation.** Performance issues become discipline issues *after* evaluation and opportunity to improve do not correct the problem.
- 3. Telling the truth is part of providing employees' fair notice and a meaningful opportunity to improve.** Sugar-coating doesn't help you, the district, or the employee. If an employee is unaware of your actual concerns, you cannot expect the employee to address the problem directly and seriously. Do not expect human resources to support termination of employees with positive evaluations
- 4. Think of evaluations as your opportunity to engage in the BEST part of being a manager: helping your employees to succeed.** Maintaining perspective on the purpose and usefulness of effective evaluations will help keep you engaged in effective performance management, which will help your employees succeed, and ultimately help you and the district to succeed.

Laying the Groundwork for Effective Evaluations

An effective evaluation process requires doing the groundwork to lay a proper foundation that will keep the process on track. Properly setting up the process and preparing for evaluations in the following ways will set you up for success in providing evaluations.

- 1. Know your timelines and procedures.** Ensure that you are familiar with the laws, rules, and policies that set out any requirements or timelines affecting your evaluation process. Common sources of these requirements are collective bargaining agreements, district policies and rules, and Education Code provisions, particularly those affecting academic employees. For example, Education Code section 87663 lays out the minimum required frequency of academic employees, which varies based on whether an employee is probationary, permanent, or temporary.
- 2. Know the job being evaluated.** Make sure that you are familiar with all of an employee's various responsibilities and duties. Review and keep copies of the job description and job announcement. Be aware of whether collective bargaining agreement provisions may impact an employee's job. Directly observe employees perform their work to have a better understanding

of their job. As a **PRACTICE TIP**, we recommend that you build into your routine regular, direct observation of your employees in all their work settings.

3. **Know your role—and don't abdicate it.** Academic evaluations are peer driven. The essential role of management is sometimes lost. This happens when deans and managers abdicate this essential role to other participants in the evaluation process. Be clear on your role and authority, and remain at the center of the evaluation process.

4. **Know and communicate your expectations.** Employees can only work to meet your expectations if you understand your own expectations and you have communicated them to your employees. You should identify and communicate your expectations around:

- The quantity of work that an employee is required to handle;
- The deadlines an employee must meet and the speed at which they get through their workload;
- The levels of accuracy and thoroughness you expect in an employee's work;
- The methods or procedures that an employee is required to use;
- An employee's dress, appearance, and personal hygiene; and
- An employee's ability to get along with others.

As a **PRACTICE TIP**, we recommend that you ask yourself what steps you have taken to convey your expectations to the employee(s) you are evaluating and consider if it is adequate. (In other words self-evaluate the quality of your supervision!) Written communications are important, but not a substitute for face-to-face communications. Don't hide behind your memos, emails, letters of concern, etc. Remember that active supervision presents many opportunities to regularly communicate goals and expectations including: during informal discussions about performance, while collaborating on projects or reviewing work, through staff meetings, in annual evaluation meetings, during counseling meetings, and in non-disciplinary and disciplinary memos.

As a further **PRACTICE TIP**, remember that effective communication regarding expectations requires checking for understanding. Don't just tell employees your expectations. Make sure they have heard and understand your expectations. This is especially important when dealing with "difficult" employees (those who are consistently low-performing and/or defensive about feedback.) These employees not only require more regular and consistent communication and feedback, but also follow-up (with documentation) to be sure you are both on the same page.

Top Five Steps for Conducting an Effective Evaluation

We're now going to discuss the top five steps for conducting an effective evaluation. These are basic steps in evaluating performance and should serve as a strong starting point.

1. **Communicate early and often.** Communication is the key means of providing feedback and support to your employees. Do it often and regularly throughout the year, and communicate with purpose. Use regular communication to de-stigmatize the notion of professional growth. Make professional growth a positive aspect of how you support your employees. Use face-to-face discussions, and do not rely only on written communication. Do not just meet to discuss problems. Meet to discuss expectations, goals, and objectives, and to acknowledge good work. Communicate early to avoid unpleasant surprises for everyone---don't wait! Remember also that communication is two-way and to "walk the walk" of effective evaluation: accept constructive feedback from subordinates.

2. **Document discussions and observations as they occur.** Timely documentation helps to ensure accuracy and follow through, and helps to make sure that nothing is falling through the cracks by the end of the year.

As a **PRACTICE TIP**, we recommend intentionally creating opportunities to regularly observe employee performance. Establish a routine method to observe performance, and observe all areas of an employee's performance. Also, establish a method to monitor attendance and tardiness. Establishing a routine with intention will help to ensure that you are assessing performance regularly. This practice can be important with difficult employees, as it provides opportunities for regular discussion and feedback in addition to documentation of observations.

As a related **PRACTICE TIP**, we recommend regular notations---both positive and constructive---to your administrator file, which will save you hours preparing the final evaluation; as well as make for a stronger document.

Further, as a **PRACTICE TIP**, we recommend that notes contain only factual information and observations. The notes contained in an administrator file or "drop file" may be discoverable in litigation, and so it is important not to insert opinions or impressions about the employee as they may be disclosed if discipline is ever imposed or litigation ensues. Never use an administrator file to express personal opinions about an employee, and always assume that someone else may read your file someday.

3. **Prepare a fair, supported, written evaluation.** Rate an employee's job performance based on his or her job duties and standards to be fair and consistent. Do not forget to commend good work, in addition to identifying areas for improvement or growth. Determine if an employee's previous goals have been met. If applicable, incorporate classroom observations, student evaluations, and peer evaluations into the final written evaluation. If there are areas that need improvement, include an action plan for how the employee can get there so the employee is not only on notice, but is being actively supported.

Beware of evaluation pitfalls that can present risk or weaken the document: Do not count protected leave in establishing the evaluation rating for attendance. Do not give a summative rating that is inconsistent with the individual ratings. For example, in the case *Kolander v. San Diego Civil Service Commission*, an employee's evaluation had numerous areas of "needs improvement" but a summative rating of "fully competent". The employee challenged his demotion and initially won because of the evaluation's summative rating. The demotion was

eventually reinstated on appeal, but the inconsistent ratings cost the employer dearly in time and resources. .

As a **PRACTICE TIP**, we remind you to be specific, concrete, and direct in your evaluations. Vague, negative feedback may seem more tactful than being direct, but it is actually more overwhelming for an employee because the feedback does not provide the employee with concrete information that would help him or her improve the situation. Vague, positive feedback is also flawed because it does not give the employee information for how to build on his or her strengths. Specific praise is more useful and helps build a work culture where the expectation is that everyone is always improving. This improves morale, productivity, and receptiveness to constructive feedback when there are performance concerns.

As another **PRACTICE TIP**, we recommend that you focus on the “what” and not the “why” when presenting performance concerns. That is, focus on objectively describing specific conduct, rather than theorizing on why the employee’s performance is deficient. This avoids the appearance that your evaluation is being influenced by bias or a discriminatory motive.

- An example of the *right* way to focus on what happened is a sentence that begins: “Jane failed to meet several critical deadlines this evaluation period involving . . .” and so forth.
- In contrast, examples of the *wrong* way to address Jane’s failure to meet deadlines include: “Jane missed a lot of work this evaluation period due to her chronic health problems, and as a result . . .” or “Jane had trouble bouncing back after her father’s death, and as a result . . .” and so on.

4. Present the evaluation in a constructive fashion. You want to keep employees engaged and motivated in their professional growth.

We recommend the following **PRACTICE TIPS** for giving an employee criticism and constructive feedback:

- Be honest. Do not confuse being tactful with sugar-coating the truth. Sugar-coating does not help the employee identify performance issues and improve, and it does not help the district with improving employee performance or having strong documentation.
- Prepare to deal with a defensive response. Anticipate what an employee might say as an excuse or to avoid responsibility so you are ready to keep the conversation focused on performance and ways to improve performance.
- Avoid global statements, such as using words like “always” or “never,” which are often inaccurate and may feel like an unfair characterization to an employee.
- Do not react defensively---it undermines you. Stay calm, firm, and factual when presenting your evaluation. Own the evaluation; don’t state or imply that you have not reached your conclusions based on your assessment of the employee. For example, avoid statements like “everyone agrees with me,” or “I have a boss too, if I’m not tough, I’m

the one who gets in trouble.” Instead, model the professional behavior you expect from your employees.

- Do not back down when the employee denies poor performance. Remember: you have done your groundwork. Your assessment is based on knowledge of the job, direct observation, and documentation. And, you have alerted the employee to areas of deficiency early on, so he or she should not be surprised.
- Finally, do not forget to ask employees for their own assessment their performance, their goals for the next evaluation cycle, and what might help them meet their goals. Engaging employees as active participants in their evaluations helps them be more receptive to constructive feedback.

A constructive evaluation also sets and utilizes SMART goals that both you and the evaluated employee can use. That is, the goals you set for employees should be.

- Specific
- Measurable
- Action oriented
- Realistic; and
- Time and resource aware.

By way of example, measurable goals might consider the following:

- Where productivity involves quantity: goals should communicate specificity regarding things such as: “How many? At what rate? or , What volume?”
- Where productivity involves quality: goals should communicate specificity regarding things such as: “How complete? How original? How accurate?”
- Where productivity involves cost containment or effective use of resources, goals should communicate specificity regarding such things as: “How much? Or, within what time limits?”

As another **PRACTICE TIP**, we recommend creating a work-culture where everyone (including you) is always working on professional growth and development. This facilitates an atmosphere where employees can be open about where they see the need for growth and improvement, and you can provide support where it is needed.

5. Follow through on your evaluation. Finally, remember that the evaluation process should be ongoing for you, your employees, and the district. If you do not follow through, much of the benefit from the hard work you put into the evaluation will be lost. If an evaluation results in an improvement plan, follow through by regularly monitoring the employee’s progress,

communicating with the employee, and documenting the employee's progress, or lack thereof. If an evaluation was positive, close with a positive, professional growth plan, and still monitor regularly, communicate with the employee, and document the employee's progress, or lack thereof.

Checkpoint for Learning

Now that we have discussed why performance evaluations are important, how to prepare yourself for evaluating employees, and how to conduct effective evaluations, we are going to check our learning by applying it to a brief scenario.

Paul Phan is an academic probationary employee in the District teaching in the math department. In the initial two years of his employment, he was doing well. His supervising dean, Donna, was often busy and did not make time to check in with Paul since it seemed he had settled in.

In his third year, Paul took an interest in the college's Asian student association and took over as faculty advisor. As time went on, Paul spent a lot of his time participating in student organization activities and less time preparing for classes and keeping up with administrative tasks. He started missing lectures with increased frequency, which students complained about. He also started missing office hours, leaving notes on his door during office hours stating that he could be found at a student organization event taking place at that time.

After several months, Donna spoke with Paul about the complaints she had received. During the meeting, Donna noted that it seemed Paul spent a lot of his time on campus working with student groups. Paul heatedly accused Donna of being absent and not caring about the underrepresented students on campus. From that point on, Paul was rude and combative whenever he had to interact with Donna, which he avoided.

Donna also, finally, made sure that Paul was assigned a peer review committee and received an evaluation before the March 15 deadline for issuing notices of non-renewal. It contained primarily general comments gathered from peer evaluations with many individual categories rated as satisfactory. However, Donna rated him "unsatisfactory" for missing classes and office hours because he was "overly involved with the Asian students". The Board acted not to renew Paul's contract.

Paul contends that the District intentionally and maliciously violated Board policy and manipulated the Board's decision not to renew his employment contract based on Dean Donna's animus toward him because he is Asian and supported Asian students, and in retaliation for disagreeing with Dean Donna.

Paul is appealing the Board's decision not to renew his contract. He has also stated that he is considering filing an EEOC complaint against the District for discrimination on the basis of ethnicity and national origin.

What is a likely outcome of Paul's challenge to the non-renewal of his contract?

As we discussed earlier, the Education Code requires that employees be evaluated in accordance with standards and procedures set out in the Education Code, and that the governing board receive recent evaluations, as preconditions for making decisions about continuing employment for contract employees. If Paul can demonstrate that he was not properly evaluated, then the District could be required to grant Paul tenure, since it was his third year of probation.

What are steps that Donna and the District should have done differently?

Donna should have had a clear timeline on when the evaluation would have to be completed to give herself enough time to prepare ahead of his contract renewal. She also should have incorporated regular direct observation of Paul, both inside and outside of the classroom, to catch the issue as it emerged. She should have been communicating with Paul early and often about her expectations and any perceived performance issues, and trying to create a culture of openness to professional growth. Furthermore, she should have been documenting these observations and communications to have written evidence of Paul's actions and her efforts to provide him notice and an opportunity to improve with feedback. Donna also should have focused on the "what" of Paul's issues rather than the "why," which may place the District in a weaker position if he decides to file a discrimination complaint. Further, Donna should not have abdicated her role in the evaluation process by allowing the evaluation to be primarily driven by comments from peer reviews, so that she would have had more control in creating a stronger document for the District.

If Donna had been engaged in evaluation and feedback continuously, she may have been able to keep Paul focused on his primary job responsibilities to remain successful in his position. Even if Paul still performed poorly, she could have set up the District to not renew his contract without the risk and cost of a successful challenge.

WORKSHOP MATERIALS

Materials and Exercises:

1. Factual Backdrop
2. Sandalwood Community College Policies
3. Sandalwood Community College District's CBA, Article 5
4. Sandalwood Counselor Assistant II Job Description
5. Feedback Checklist
6. Exercise A: Hard Conversations
7. Exercise B: The Art of Constructive Feedback
8. Excerpts of Jamie Salazar's personnel file (Exercise C: Improving the Written Evaluation)
9. Exercise D: Preparing the Annual Evaluation
10. Model Written Evaluation
11. Exercise E: Presenting the Annual Evaluation

Factual Backdrop

Dr. Edmund was recently promoted to be Dean of Student Services at Sandalwood Community College. Prior to this, Dr. Edmund was a faculty member in the counseling department, where Dr. Edmund got to know Jamie Salazar. Jamie Salazar is a counseling assistant and has been with the District for 15 years.

Dr. Edmund has dreaded taking over Jamie's supervision. As a faculty member, Dr. Edmund was frustrated by the hands-off, conflict-averse style of then-Dean Smith, who just retired, and Dr. Hall the head of the counseling department. Up until this year, Jamie's personnel file gives the appearance that Jamie is an exemplary employee, due to Dean Smith's evaluations.

In reality, Jamie is arrogant and claims to know the best manner in which to advise students regarding their classes, careers, and financial aid. Jamie also feels disrespected by faculty members and thinks that faculty believe they are better than Jamie. Jamie responds by being hostile. At the same time, Jamie regularly fails to fulfill the requirements of the counseling assistant position, including:

- Cancelling scheduled office hours, which leaves students hanging;
- Avoiding his/her scheduled rotation at reception;
- Overstepping his/her role by giving advice and guidance that should only be provided by faculty counselors (and frequently the information is incorrect);
- Alternately, telling students there is nothing he/she can do on matters that are well within his/her purview.

Dr. Hall is the Head of the Counseling Department, a faculty position. Hall reports to Edmund. Although a faculty member, Hall has supervisory responsibilities over Salazar and the other classified staff in the Counseling Department, including: setting office hour schedules, handling performance concerns at the initial feedback and oral counseling stages, preparing the draft annual evaluations for Edmund's review and signature, and participation in the annual evaluation meeting.

AP 7150 Evaluation

Reference:

Accreditation Standard III.A.5 (*formerly III.A.1.b*)

The District assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The District establishes written criteria for evaluating all personnel. The evaluation process assesses the effectiveness of personnel and encourages improvement. Actions taken following evaluations are formal, timely, and documented.

Sandalwood CCD

BP 7230 Classified Employees

References:

Education Code Sections 88003, 88004, 88009, and 88013

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service.

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full time students employed part time, and part-time students employed part time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service.

Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

The *CEO* shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

The probationary period for classified employees shall be one year.

Sandalwood CCD – Collective Bargaining Agreement

ARTICLE 5: EVALUATION PROCEDURES

5.1 Probationary New Hire Unit Members

5.1.1 Probationary Period

New hire unit members shall serve a probationary period of one year, beginning with the first day of service.

5.1.2 Schedule of Evaluations

A probationary employee shall be evaluated at the end of the third, fifth, and ninth months of service. Special evaluation reports may be made at other than the specified times when such are deemed necessary by the supervisor or designated manager.

5.1.3 Meets Expectations Performance

Each written performance evaluation report must indicate meets expectations in order for the unit member to successfully complete the probationary period and to achieve permanent status in the position.

5.1.4 Effect of Performance Below Meets Expectations

Should any rating be less than meets expectations, the unit member may be terminated.

5.2 Regular Unit Members

5.2.1 Annual Evaluation

Regular unit members shall be evaluated in writing annually by the first day of the month preceding the unit member's anniversary date.

5.2.2 Special Evaluation

Special evaluation reports may be made when such are deemed necessary by the assigned supervisor, manager or employee.

5.2.3 Final Evaluation

A final evaluation report will be completed for each unit member who terminates with the District.

5.3 Evaluation Report

5.3.1 Written Evaluation

A written evaluation will be made on the prescribed District performance evaluation forms provided by the Office of Human Resources.

- (i) The form will be completed and signed by the evaluator and the unit member.
- (ii) A copy shall be given to the unit member at the time of the conference.
- (iii) The original shall be transmitted by the supervisor or manager to the next higher person in administrative channels for review and comments.

5.3.1.1 Standards

The written evaluation will measure performance using the following standards: (1) Exceeds expectations (performance is exemplary much of the time); (2) Meets expectations (performance is competent, reliable, and meets standards); (3) Needs improvement (performance is below job requirements); and (4) Unsatisfactory (performance is repeatedly below job requirements)

5.3.2 Self-Evaluation

The unit member has the option to prepare a written self-evaluation and submit to the assigned supervisor or manager prior to the written evaluation conference. The self-evaluation will be attached to the written evaluation.

5.3.3 Conference

Following completion of the evaluation report, the assigned supervisor or manager will hold a conference with the unit member to discuss the evaluation, including areas of commendation, unsatisfactory performance which requires improvement, and career plans and interest.

5.3.4 Personnel File

Following the review, the President or Vice Chancellor, or designee, shall sign both copies and transmit them to the Chief Human Resources Officer, for appropriate action and retention in the unit member's personnel file.

5.4 Right of Written Response

A unit member may submit a written response to any evaluation within five (5) working days from the date the evaluation was signed by the unit member. Said response shall be attached to the evaluation and filed therewith.

5.5 Right of Review

5.5.1 Request

A unit member who has reason to question a performance evaluation may request in writing, within five (5) working days, a review of the evaluation and/or meeting with the President, Chancellor, or designee.

5.5.2 Response

The President, Chancellor or designee will respond within ten (10) working days of receipt of the request.

5.5.3 Process In Lieu Of Grievance Procedure

This review process shall serve in place of the regular grievance procedure.

COUNSELOR ASSISTANT II

THIS IS PARAPROFESSIONAL POSITING PROVIDING SUPPORT SERVICES TO STUDENTS WITH REGARD TO FINANCIAL AID, ENROLLMENT, TRANSFER OF CREDITS, STUDENT RECORDS AND RELATED AREAS. UNDER GENERAL SUPERVISION OF COUNSELING DEPARTMENT HEAD AND DEAN OF STUDENT SERVICES.

THE COUNSELOR ASSISTANT II IS A FULL-TIME, PARAPROFESSIONAL LEVEL PROVIDING COUNSELING RELATED INFORMATION AND SUPPORT SERVICES TO STUDENTS.

THE EMPLOYEE RECEIVES MORE GENERAL SUPERVISION THAN AT THE COUNSELOR ASSISTANT I LEVEL; THE WORK IS FREQUENTLY LEFT TO THE EMPLOYEE, SUBJECT TO COMPLIANCE WITH THE ESTABLISHED POLICIES, PROCEDURES FOR INDEPENDENT JUDGMENT AND DECISION-MAKING WHICH HAS THE EFFECT OF FINALITY IN MOST CASES, IN MATTERS NOT LIMITED TO CERTIFICATED STAFF. INDEPENDENT REASONING IS REQUIRED IN INTERPRETING AND APPLYING POLICIES AND PRECEDENTS TO UNUSUAL SITUATIONS AND IN HANDLING PROBLEMS OR WORK ORGANIZATION AND PROCEDURES.

THE EMPLOYEE MEETS AND DEALS WITH STUDENTS, THE PUBLIC, FACULTY AND STAFF IN IN EXPLAINING DECISIONS AND IN CLARIFYING COMPLEX PROCEDURES.

REPRESENTATIVE DUTIES AND JOB CHARACTERISTICS:

THE COUNSELOR ASSISTANT II MAY:

1. SERVE AS THE INITIAL SOURCE OF INFORMATION AND ASSISTANCE TO STUDENTS AND OTHER PERSONS AND HELP THEM IN USING AND UNDERSTANDING FORMS AND OTHER PRINTED AND VISUAL MATERIALS;
2. INFORM STUDENTS OF DISTRICT POLICIES AND PROCEDURES RELATED TO ENROLLMENT, REGISTRATION, PRE-REGISTRATION FOR COURSES, GRADES, ETC.;
3. PROVIDE DIRECT SERVICES AND EXPERT ASSISTANCE TO STUDENTS WITH SPECIAL AND UNIQUE CHARACTERISTICS SUCH AS THE DISABLED;
4. COORDINATE OPERATIONS AND ASSIST IN THE REFINEMENT AND DEVELOPMENT OF PROCESSES IN THE AREAS OR CENTER ASSIGNED;
5. ASSIST IN THE COORDINATION OF OFFICE OPERATIONS UNDER DIRECTION AND SUPERVISION;
6. MAINTAIN COUNSELOR APPOINTMENT CALENDARS AND PROVIDE SCHEDULING AND OTHER ASSIGNED ASSISTANCE TO COUNSELORS;
7. PREPARE INFORMATIONAL AND PUBLICITY MATERIALS AND DIRECTORIES, AND MAINTAIN DISPLAYS;

8. ORGANIZE PROCEDURES AND MATERIALS FOR ORIENTATION SESSIONS, EARLY DECISION PROGRAMS AND OUTREACH PROGRAMS, CONDUCT TOURS;

9. DETERMINE QUESTIONS AND PROBLEMS WHICH MUST BE REFERRED TO COUNSELORS OR OTHER CERTIFICATED PERSONNEL; REFER INDIVIDUALS TO THE SERVICES OF OTHER COLLEGE OFFICES WHERE THEY MAY RECEIVE APPROPRIATE ASSISTANCE;

10. PERFORM GENERAL CLERICAL TASKS SUCH AS TYPING, FILING, RECEIVING CALLERS, ANSWERING THE TELEPHONE, COMPILING DATA, PREPARING REPORTS, DISTRIBUTING INFORMATIONAL MATERIALS; COORDINATE WITH OTHER OFFICES IN SCHEDULING APPOINTMENTS FOR STUDENTS;

11. PROVIDE CONTINUITY OF SERVICES BETWEEN DAY AND EVENING CLASSIFIED STAFF;

12. MAINTAIN A MULTI-MEDIA LIBRARY OF RESOURCE MATERIALS;

13. COLLECT DATA AND ASSIST IN PREPARING FEDERAL, STATE AND COLLEGE REPORTS;

14. ADMINISTER AND SCORE SIMPLE TESTS;

15. PARTICIPATE IN IN-SERVICE TRAINING AND OTHER ACTIVITIES;

16. SUPERVISE AND TRAIN STUDENT ASSISTANTS;

17. PERFORM OTHER RELATED TASKS AS ASSIGNED.

MINIMUM EDUCATION & EXPERIENCE:

EQUIVALENT TO THE COMPLETION OF SECOND YEAR OF COMMUNITY COLLEGE AND ONE YEAR OF FULL-TIME, SUCCESSFUL WORK EXPERIENCE IN A CLOSELY-RELATED EDUCATIONAL OR SOCIAL SERVICE ACTIVITY OR AN EQUIVALENT COMBINATION OF EDUCATION AND EXPERIENCE WHICH INDICATES POSSESSION OF THE KNOWLEDGE AND SKILLS REQUIRED.

MINIMUM QUALIFICATIONS - KNOWLEDGE, SKILLS AND ABILITIES:

KNOWLEDGE OF:

1. METHODS OF ASSISTING AND INFORMING STUDENTS IN THE ASSIGNED AREA;
2. MODERN OFFICE PROCEDURES, INCLUDING FILING, ORGANIZING AND SETTING PRIORITIES;
3. CORRECT ENGLISH USAGE;
4. SUBJECT MATTER IN THE AREA TO WHICH ASSIGNED (E.G.: LIBRARY METHODS IF IN THE CAREER CENTER).

SKILLS IN:

1. THE ABILITY TO READ, LEARN AND APPLY DISTRICT POLICIES, PROCEDURES, RULES AND REGULATIONS PERTAINING TO STUDENTS;
2. EXPRESSING ONESELF CLEARLY;
3. PERFORMING CLERICAL TASKS SUCH AS COMPILING DATA, HANDLING CALLERS AND MAINTAINING RECORDS WITH ACCURACY AND SPEED, DESPITE INTERRUPTIONS;
4. WORKING COOPERATIVELY WITH OTHERS;
5. REPORTING INFORMATION AND EVENTS TO SUPERVISOR.

ABILITY TO:

DEMONSTRATE SENSITIVITY TO AND AN UNDERSTANDING OF THE DIVERSE SOCIO-ECONOMIC, CULTURAL, AND ETHNIC BACKGROUNDS OF COMMUNITY COLLEGE STUDENTS, INCLUDING THOSE WITH PHYSICAL, COMMUNICATIVE, PSYCHOLOGICAL AND/OR LEARNING DISABILITIES.

FEEDBACK CHECKLIST

CONSTRUCTIVE FEEDBACK CHECKLIST

BE CONCRETE AND DIRECT

Being concrete and direct can often defuse what is an inherently uncomfortable communication. Vague criticism, although it may be intended to “soften the blow” can seem more threatening or overwhelming because it prevents discussing real solutions. Vague expectations are also frustrating because it is much more difficult to correct conduct that is not discussed concretely. Be clear about what conduct was objectionable, how it was objectionable (i.e. clearly connect the misconduct to its negative impact on students/staff/the educational process) and a strategy for improvement.

Vague

Your conduct today was unacceptable.

Please just work on “being part of the team.”

It is against school rules to be late or not call on time when you are going to be absent.

Concrete

Shouting at Ms. Hill to fill the copier was disrespectful and unprofessional.

Respectful, courteous behavior is required toward all staff.

You were late twice this week and you failed to call in by ____ o'clock the day you were absent, in violation of district policy. When you are late, students miss out on important instruction time. The day you failed to call in on time, students waited in the lecture hall for twenty minutes before leaving.

FOCUS ON THE CONDUCT NOT THE PERSON

Personalizing feedback is often overly judgmental or invites unproductive comparisons to other employees. Sometimes, it is hard for managers to take “ownership” of their actions, so they allude generally to “everyone else” agreeing with them. This undermines the manager’s own authority and is unnecessarily threatening. Also, to “soften the blow” managers may be tempted to get too personal. This shifts the focus away from the conduct and its impact on the workplace to the employee’s personal problems.

Personalized

You seem to be angry a lot.

You seem to be upset and distracted lately, are you okay?

It was inconsiderate and rude of you to leave Mr. Robertson to do all of the work during office hours.

No one else is complaining about office hours.

Objective

It is unprofessional and counterproductive for you to lose your temper.

It is your responsibility to arrive to work on time and to call in by _____ if you are going to be absent.

For this school to operate successfully, everyone needs to shoulder their own responsibilities and share of their work.

All of us have been assigned additional responsibilities. I suggest you work collaboratively with your colleagues.

LINK THE CONDUCT TO ITS IMPACT

By linking the conduct to its impact on the educational process, feedback becomes easier to deliver and to receive. When you explain the negative impact on education you: 1) depersonalize the feedback—this isn't about you and what you don't like; and 2) provide an opportunity to identify common ground. Assume a shared vision and purpose with the employee that you both want achieved. This sets a respectful and professional tone.

Disconnected

You are expected to be on time.

You are expected to be courteous.

Connected

When you aren't on time, students lose instructional time. Not only does this hurt the students, it makes your job that much harder. Of course, you want your students to be successful. But when you are late, you get behind in your lessons and set a tone in the classroom that isn't conducive to learning.

I expect all staff to be treated respectfully. We all benefit from a work environment where everyone is treated with respect.

FOCUS ON WHAT YOU KNOW, NOT HOW YOU KNOW IT

The goal of constructive feedback is to improve performance. It is not about proving allegations, as you would if this were a disciplinary action. This means keeping the discussion focused on the conduct at issue and corrective action. Discussions that get caught up in questions like “who told you that?” are not productive. So, avoid comments that invite those questions.

“He said /she said”

I have been told that you were rude to Ms. Hill.

Everyone is talking about how irritable you have been lately.

Several people have commented on your conduct at the staff meeting, and I would have to agree.

Stand on your own

You were rude to Ms. Hill when . . .

You have been irritable and lost your temper on several occasions lately.

Your conduct at the staff meeting . . .

BE ACCURATE AND STAY FOCUSED ON THE ISSUE AT HAND

If you exaggerate the conduct and/or its impact, you lose credibility. Similarly, if you use the opportunity to give feedback to mention every little infraction that comes to mind, instead of focusing on the large issues, the employee may think you are just picking on him/her and not take you seriously.

Exaggerated & diffused

You will never fit in here if you don't work as a member of the team.

Everyone is on edge now around you, wondering who you are going to lash out at next.

And another thing, I've noticed you don't really make eye contact when I talk to you.

Accurate & focused

We will reevaluate your progress in a month and determine if we need to take any further steps.

We want to promote a cooperative, safe environment for all members of the school community.

[Nothing.]

DESCRIBE WHAT IS EXPECTED & A STRATEGY TO GET THERE, NOT JUST WHAT IS WRONG

For feedback to be “constructive” it must help the recipient understand what is required, provide a strategy for how to meet those requirements and explain how the employee will be held accountable in the future. In an informal session the “plan” does not have to be more than agreeing to meet and reassess in a couple of weeks. However, the employee should leave the meeting with an understanding that there will be follow-up and accountability.

Dwelling on the past

You are habitually absent on Mondays and Fridays.

You don't know how to discuss concerns in a collegial manner.

Looking to the future

I am going to monitor your absences. If you continue to have a pattern of absences on Mondays and Fridays, I will start requiring a doctor's note.

I have an open door. Anytime you have a concern about your work assignments and want to discuss them collegially, I will listen. That is how to have your concerns heard and addressed.

EXERCISE A

Dr. Edmund has been receiving complaints from students, staff, and faculty concerning Jamie Salazar, one of the counseling assistants. Students have complained that Jamie is unprepared, often arrives more than 20 minutes late to meetings expecting students to be there, and complains whenever they ask for guidance. This is having a negative effect on the students who are posting comments and concerns on social media. Department staff have complained that Jamie never meets deadlines, is always late, and complains incessantly about colleagues. Faculty members have also reported that Jamie tries to give them orders.

On receiving these complaints, Dr. Edmund asked the head of the counseling department, Dr. Hall, to address these issues with Jamie. This was a couple of weeks ago. In response to Dr. Edmund's direction, Dr. Hall wrote this memo:

Dear Jamie:

First, let me say how fortunate to have a counseling assistant with your level of experience. As you know, we really like to encourage a friendly cooperative atmosphere here by being cordial with colleagues and accessible to students. If you could improve in this one area, I am sure you will be a welcome and successful member of the Sandalwood community.

If you have any questions or concerns, my door is always open. Keep up the good work!

Sincerely,

Dr. Hall, Head of Counseling
Department

EXERCISE A-1: ROLE #1

As Dr. Edmund, you will use the constructive feedback checklist to explain your performance concerns to Jamie. During the meeting, rely on Dr. Hall's prior memorandum. Take a moment to plan and consult with Dr. Hall.

EXERCISE A-1: ROLE #2

Your role is to play Jamie Salazar.

During your meeting with Dr. Edmund, you are truly shocked by the negative feedback. You repeatedly point out that until Dr. Edmund came along, your evaluations were exemplary. You complain that your colleagues are jealous of your success and out to get you. You also challenge Dr. Hall's attendance at the meeting because Hall is not management, and thus cannot be your boss.

You deny discouraging questions from students and/or complain that students are so unprepared for college that they are not ready for your advanced counseling services—and that this isn't your fault.

You complain that faculty members in the counseling department look down on you as a counseling assistant even though you feel you are better trained and more effective with students.

Find a time to demand who is making complaints against you. If Dr. Edmund mentions Dr. Hall's prior conference memorandum, insist that it indicates that you are excelling at your job.

NOTE:

IF DR. EDMUND PRESENTS OBJECTIVE, CONCRETE INFORMATION IN A NON-JUDGMENTAL WAY, become more receptive and open to his/her perspective.

EXERCISE A-1: ROLE #3

You are Dr. Hall.

You are uncomfortable confronting Salazar and are happy to have Dr. Edmund take the lead. You only speak if Edmund or Salazar directly address you. And even then, you are vague, evasive and avoid saying anything critical.

Please also act as the note taker, watch for what is effective and what is ineffective in the meeting. What were the biggest challenges to communication? Were they effectively overcome, and if so, how?

EXERCISE B

It is Dr. Edmund's responsibility to review the performance evaluations prepared by Dr. Hall of the classified staff, and confirm their accuracy and completeness before signing off on them. Prior to Hall preparing the draft evaluations, Dr. Edmund met with Hall and told Hall the evaluations should be clear, direct and honest with "no more sugar coating". Dr. Edmund notices the following entries Hall has prepared regarding Salazar.

- 1) PERFORMANCE FACTOR = Quantity of Work
Rating: Meets expectations.
Comment: **"Given Salazar's level of experience Salazar should be more productive. Salazar carries the minimum required caseload for a counselor assistant but could be doing more."**
- 2) PERFORMANCE FACTOR = Oral Communications
Rating: Meets expectations.
Comment: **"Salazar is certainly passionate about student success."**
- 3) PERFORMANCE FACTOR = Quality of work – Thoroughness
Rating: Meets expectations.
Comment: None.
- 4) PERFORMANCE FACTOR = Attendance
Rating: Needs Improvement.
Comment: **"Salazar used 10 days of sick leave this year."**
- 5) PERFORMANCE FACTOR – Accuracy/Effectiveness
Rating: Needs Improvement.
Comment: **"Salazar has been suffering from Crohn's Disease during much of this evaluation cycle. As such, his effectiveness has understandably suffered."**
- 6) PERFORMANCE FACTOR - Getting along with fellow employees
Rating: "Needs Improvement"
Comment: **"As you will recall, we specifically included getting along with others as a goal and objective in last year's evaluation. Very little progress has been made toward reaching that goal."**
- 7) PERFORMANCE FACTOR - Observance of District Rules
Rating: "Meets expectations"
Comment: **"Salazar has observed District rules."**

EXCERPTS FROM THE PERSONNEL FILE OF JAIMIE SALAZAR

REVIEW OF PROFESSIONAL QUALITIES

Employee Jamie Salazar
 Division Counseling
 Date 12/5/2011

	EXCELLENT	SATISFACTORY	NEEDS IMPROVEMENT	UNSATISFACTORY	NOT OBSERVED
CONTRIBUTES TO THE DEPARTMENT	X				
ACCEPTS CONSTRUCTIVE CRITICISM	X				
ATTENDS REQUIRED MEETINGS	X				
MAINTAINS OFFICE HOURS	X				
WORKS WELL WITH COLLEAGUES	X				
TREATS STUDENTS WITH RESPECT		X			
MAINTAINS PROFESSIONAL STANDARDS	X				

COMMENTS: Jamie has exceeded my expectations. Jamie has served as a peer mentor to other counseling assistants. Jamie is organized and the students appreciate that Jamie is always available to answer questions. Jamie maintains extremely high standards, which may be intimidating to some students.

ANNUAL WRITTEN EVALUATION 2011-2012

Employee: Jamie Salazar, Counseling Assistant
Rating: Exceeds Expectations

A. Performance – Counseling

Knowledge of subject matter

Jamie is very knowledgeable in Sandalwood's policies and procedures and uses this information to advise students.

Preparation

Jamie is generally prepared for meetings with students. Jamie's students always appreciate Jamie's advice.

Effective use of counseling techniques, strategies, and skills appropriate to students

Jamie makes use of counseling strategies to demand more from students.

Demonstrates ability to motivate students

Jamie is very demanding of students, which can be perceived as discouraging at times, but Jamie aims to motivate each student to achieve more.

B. Other Professional Responsibilities

Jamie is a wonderful peer mentor and always stays up-to-date on the latest counseling techniques.

C. Professional Development/Remediation Plan

Jamie should continue to attend mandatory trainings.

REVIEW OF PROFESSIONAL QUALITIES

Employee Jamie Salazar
 Division Counseling
 Date 12/15/2012

	EXCELLENT	SATISFACTORY	NEEDS IMPROVEMENT	UNSATISFACTORY	NOT OBSERVED
CONTRIBUTES TO THE DEPARTMENT	X				
ACCEPTS CONSTRUCTIVE CRITICISM	X				
ATTENDS REQUIRED MEETINGS	X				
MAINTAINS OFFICE HOURS	X				
WORKS WELL WITH COLLEAGUES	X				
TREATS STUDENTS WITH RESPECT	X				
MAINTAINS PROFESSIONAL STANDARDS	X				

COMMENTS: _____

January 15, 2013

Dean Smith,

I met with my counselor, Jamie Salazar, today to go over my class schedule for the new semester as well as my career goals. I told Jamie that my plan is to transfer to a four-year program next year and that my dream school is UCLA. I expected Jamie to give me some advice about what four-year schools look for in students. Instead, Jamie told me that I am unprepared for an environment like UCLA. I was shocked because I have worked hard at Sandalwood and have a 3.9 grade point average. I am student body president and also perform in Sandalwood's jazz band. It seemed that Jamie had not even looked at my file before telling me this. I tried to explain this to Jamie, but Jamie told me to get over the idea of going to UCLA. I would like to meet with you to discuss this, if possible.

Sincerely,

Jonathan Avena

ANNUAL WRITTEN EVALUATION 2012-2013

Employee: Jamie Salazar, Counseling Assistant
Rating: Exceeds Expectations

A. Performance – Counseling

Knowledge of subject matter

Jamie is knowledgeable about counseling strategies as well as Sandalwood's policies and procedures.

Preparation

Jamie is always prepared for meetings with students, although some students have misinterpreted Jamie's 'tough love' counseling style as Jamie being unprepared or unfamiliar with the students.

Effective use of counseling techniques, strategies, and skills appropriate to students

Jamie consistently makes use of counseling strategies to demand more from students.

Demonstrates ability to motivate students

Jamie is highly capable of motivating students. Jamie holds students to high standards, which pushes students to excel.

B. Other Professional Responsibilities

Jamie has contributed a lot to the Counseling Department this year by becoming more involved in the peer mentorship program.

C. Professional Development/Remediation Plan

Jamie should continue to attend mandatory trainings.

REVIEW OF PROFESSIONAL QUALITIES

Employee Jamie Salazar
 Division Counseling
 Date 12/6/2013

	EXCELLENT	SATISFACTORY	NEEDS IMPROVEMENT	UNSATISFACTORY	NOT OBSERVED
CONTRIBUTES TO THE DEPARTMENT	X				
ACCEPTS CONSTRUCTIVE CRITICISM		X			
ATTENDS REQUIRED MEETINGS	X				
MAINTAINS OFFICE HOURS	X				
WORKS WELL WITH COLLEAGUES	X				
TREATS STUDENTS WITH RESPECT			X		
MAINTAINS PROFESSIONAL STANDARDS		X			

COMMENTS: Jamie is an excellent counseling assistant. Jamie has gone above and beyond to engage students and continues to be a leader in the department. Jamie maintains high academic standards, which may be intimidating to some students.

March 28, 2014

Dear Dean Smith,

My name is Nina Rogers. I am a student at Sandalwood Community College. I am writing to you because I want to report a conversation I had today with my counselor, Jamie Salazar. I had an appointment with Jamie to talk about my course selections for next semester. I was hoping to get some advice because I am interested in going to medical school and want to make sure that I am on track to complete all of the science class requirements at Sandalwood next year. When I told Jamie this during our meeting, Jamie said that I should [consider another career] because being accepted to medical school is very difficult. Jamie asked me if I had any other interests. I thought you should know how discouraging Jamie is. I have worked my entire life—volunteering at hospitals and nursing homes—to be a competitive candidate for medical school. I would like to be assigned to a new counselor that has experience advising students about this process.

Thank you,

Nina

ANNUAL WRITTEN EVALUATION 2013-2014

Employee: Jamie Salazar, Counseling Assistant
Rating: Exceeds Expectations

A. Performance – Counseling

Knowledge of subject matter

Jamie has demonstrated a passion for counseling. Jamie always stays up-to-date on matters concerning the profession, and often shares this with colleagues.

Preparation

Jamie is always prepared for meetings with students and makes sure to review their student records and transcripts prior to their meetings.

Effective use of counseling techniques, strategies, and skills appropriate to students

Because Jamie stays current on the latest counseling techniques and strategies, Jamie is able to use this knowledge in guidance sessions.

Demonstrates ability to motivate students

Jamie is very demanding of students. Students have sometimes perceived this as discouraging, but Jamie's intentions are to motivate students.

B. Other Professional Responsibilities

Jamie has been active in several committees in the Counseling Department this year.

C. Professional Development/Remediation Plan

Jamie should continue to attend mandatory trainings.

EXERCISE D

Jamie's annual evaluation is approaching. Jamie's performance did not improve after Dr. Edmund and Dr. Hall met with Jamie. Subsequently, a number of students that receive assistance from Jamie met separately with Dr. Edmund to express their concerns. They reported that Jamie has called them 'stupid' and said they are unprepared for college.

A month ago, Dr. Edmund issued a written reprimand to Salazar, directing Salazar to treat students in a respectful manner. In the last month, Salazar seems to be making an effort to be less harsh in his/her communication with students and has shown some improvement.

TEMPLATE ANNUAL EVALUATION

CLASSIFIED EMPLOYEE PERFORMANCE EVALUATION

Employee Name (First, Middle, Last):

Employee Position Title:

Please Check Type of Report

Probation: 3-mo, 5-mo; 9-mo, 12-mo

Annual

Special

Supervisor:

Evaluation Period:

From _____

to _____

Evaluation Purpose:

Recognizing that employees comprise the District's most valuable resource, performance evaluations encourage excellence by providing a written assessment of work performance. The performance evaluation system is designed to communicate performance standards for the position and encourage growth and improvement of performance for the future.

Evaluation Procedures for the Supervisor:

As you evaluate the employee's performance in his or her present assignment, base your review on the entire evaluation period and job description for the employee's classification. Consider each category and mark the box that most closely represents the employee's performance throughout the evaluation period. If the employee's performance is below "Meets Expectations" it must be substantiated in the appropriate narrative sections on pages 3-4.

General Directions:

1. Supervisor and employee must sign and date the evaluation form, with one original and two copies per the distribution list below. If additional space is required for comments, please attach additional sheets.
2. Distribution:
 - a. Third copy: Supervisor will give one copy to employee at time of evaluation conference.
 - b. Second copy: Supervisor send original and second copy to next higher person in the administrative channel for review (sign/date all copies).
 - c. Reviewer send original, signed and dated, to the Vice Chancellor, Human Resources for processing and appropriate action. This original is for permanent retention in the employee's personnel file.
3. Prior to completion of the Performance Evaluation Report, it is recommended that the supervisor and reviewer(s) review Article XX, Evaluation Procedures, of the Collective Bargaining Agreement for unit members.
4. SPECIAL EVALUATION: Special evaluation reports may be made at anytime other than the specified times when such are deemed necessary by the Supervisor or Manager.

Categories	Exceeds Expectations	Meets Expectations	*Needs Improvement	*Unsatisfactory
<i>As you evaluate the employee's performance in his or her present assignment, base your review on the entire evaluation period and the job description for the employee's classification. Mark the most appropriate box. If the employee's performance is below "Meets Expectations" it must be substantiated in the appropriate narrative sections on page 3.</i>	Performance is exemplary much of the time.	Performance is competent, reliable and meets standards.	Performance is below job requirements.	Performance is repeatedly below job requirements.

Quality of Work
(Thoroughness and accuracy of work)

Quantity of Work
(Acceptable volume of work)

Knowledge of Work
(Demonstrated knowledge and understanding of all phases of this job and closely-related matters)

Dependability
(Reliability in completing assignments and instructions)

Attendance and Punctuality

Organization of Work and Time Management
(Demonstrated efficiency in prioritizing, organizing and scheduling daily work; attention and application to work; minimal distractions)

Initiative
(Demonstrated ability to originate or develop ideas for improving efficiency/productivity, seek challenges)

Cooperation and Professionalism
(Demonstrated ability to work with and assist others; demonstrates professional work behaviors)

Leadership (If applicable)
(Demonstrates ability to accept responsibility, exert disciplinary control, motivate subordinates, act fairly and impartially, and good decision making skills.)

Category

Comment Section

Training and/or Professional Development

(If applicable) (Since the last evaluation, what training or professional development has been completed or is in process.)

Adaptability

(Demonstrates the ability to learn new tasks, develop new skills and to accept new ideas as the work environment changes over time)

Strengths

(Summarize the employee's significant strengths on the job)

Areas for Growth

(If applicable, highlight areas of potential growth that may enhance the employee's contributions to his/her work unit, College and/or District)

Narrative for "Needs Improvement" or "Unsatisfactory" rating(s).

(If appropriate, provide recommendations or improvement plan as needed)

Goals for Next Year

EXERCISE E: ROLE #1

Your role is to play Dr. Hall.

You are uncomfortable confronting Salazar and are happy to have Dr. Edmund take the lead. You only speak if Edmund or Salazar directly address you. And even then, you are vague, evasive and avoid saying anything critical.

Please also act as the note taker. As note taker, watch for what is effective and what is ineffective in the meeting. What were the biggest challenges to communication? Were they effectively overcome, and if so, how?

NOTE: If Dr. Edmund agrees to postpone the meeting until a union rep is available, please “switch gears” and become the rep. Conduct yourself accordingly.

EXERCISE E: ROLE #2

Your role is to play Dr. Edmund. Take a moment to prepare for the annual evaluation meeting and consult with Dr. Hall. Decide whether you will immediately present Jamie with the evaluation or ask to hear from Jamie first. Determine the goals you would like to set for Jamie and the best way to communicate them. Use the written evaluation your group drafted as a roadmap for the meeting.

EXERCISE E, ROLE #3

Your role is to play Jamie Salazar. If Dr. Edmund asks you to begin the meeting, begin by discussing your vast knowledge in advising students and refer to your prior positive evaluations. Otherwise, find another time to address this. During the meeting, you should continue to insist that Dr. Edmund's performance concerns "came out of nowhere." Also, insist that Dr. Edmund and Dr. Hall provide you with a union representative.

NOTE: If Dr. Edmund is constructive and concrete, become more receptive to the feedback and less defensive.