

EVALUATION OF PROBATIONARY FACULTY

I. Performance Criteria for Teaching Faculty

The District and the United Faculty recognize that the successful performance of professional duties includes superior classroom instruction, **and** various **teaching** ~~Non-Teaching~~ obligations **beyond the classroom** described herein, and other responsibilities such as coaching, journalism, forensics, and the performing arts. **In addition, performance of professional duties will include participation in non-instructional responsibilities described herein.**

The counselor, librarian, learning disabilities specialist, and physical disabilities specialist assigned as a classroom instructor shall be evaluated for classroom teaching in the same manner as all other classroom instructors. S/he shall also be evaluated for his/her other professional responsibilities.

The following criteria shall be used in the evaluation of all probationary teaching faculty. (All criteria are either observable or measurable through peer, student, management, or self evaluation or materials contained in the portfolio.)

(The numbering below changes after #4.)

- A. Demonstrate competence in performing classroom procedures and other responsibilities included in teaching load assignment.
 - 1. At the **beginning** ~~first meeting~~ of a course, **provide** ~~distribute~~ a syllabus to students **that conforms to the course outline of record.**
 - 2. Include in the syllabus a description of course content, **contact information**, the times and places where office hours are held, the means by which student work shall be evaluated, grading standards and other relevant information; it is especially important that students be made aware of exactly what is required of them in order to succeed in the course.
 - 3. Consistently begin class at the scheduled time and teach for the entire class period.
 - 4. At the beginning of class, or at another appropriate time, make a clear statement of the objective(s) for that particular session.
 - 5. **Be prepared for class with necessary materials and present material in an organized, clear manner.**
 - 6. Present material **with a pace and rigor appropriate to the level of the course.** ~~which conforms to existing course outline of record.~~
 - 7. Display expertise in subject matter appropriate to the assigned discipline(s).
 - 8. When presenting controversial material, do so in a balanced manner acknowledging contrary views.

9. **Combine methods of instruction (visual, auditory, etc.) to accommodate various student learning styles.**
 10. Regularly assess the teaching-learning process, **periodically check student understanding**, and modify strategies as necessary to improve results.
 11. Conduct classes in such a way as to stimulate student thinking, **encourage and motivate students, and engage them in the learning process.**
 12. Fairly evaluate student work by using clear, explicit criteria, relevant to the subject matter as stipulated in the course outline of record.
 13. Maintain accurate records and submit reports such as grade and census rosters according to published deadlines.
 14. Assess students as specified in the course syllabus.
 15. Provide regular feedback to students.
 16. Consistently return course work within two weeks of collecting work.
- B. Recognize the rights of students.
1. Do not discriminate based on age, gender, disability, nationality, race, religion or sexual orientation.
 2. Recognize the right of students to have points of view different from the instructor's.
 3. **Manage classroom environment to maintain discipline while treating**
~~Treat~~ students fairly and **respectfully** ~~politely~~.
 4. Be attentive to student questions and comments, and be clear and precise in response.
- C. Participate in non-classroom professional responsibilities.
1. Attend required management called meetings.
 2. Serve on departmental/subarea/division/area, college, or district committee(s). This activity is required in the third ~~and third~~ and fourth years only and permitted in the second year (It is understood, however, that such obligations are to be equitably distributed among all faculty members. An individual should not receive a negative evaluation either for failing to take on or for accepting a disproportionately large share of meetings or committees.)
 3. Maintain regular and timely office hours as specified in this contract.
 4. Participate in curriculum development and course outline of record revision.

5. **Participate in the evaluation process in a professional and timely manner.**

- D. Participate in professional growth activities beginning the second year and thereafter. These may include the following:
1. participating in activities designed to enhance professional performance: independent research, learning and developing strategies for more effectively serving students, advanced course work related to the discipline, creating and maintaining professional contacts, and occupational training;
 2. serving on college, district, and/or statewide committees; and
 3. participating in conferences and workshops, artistic exhibits, performances, internships, classroom research, and community involvement related to academic area.

II. Performance Criteria for Counselors, Librarians, Learning Disabilities Specialists, and Physical Disabilities Specialists

The District and United Faculty recognize that the professional responsibilities of counselors, librarians, learning disabilities specialists, and physical disabilities specialists are varied and complex and that individual counselors, librarians, learning disabilities specialists, or physical disabilities specialists may perform somewhat different functions in their work environments. However, the goals of the counselor, librarian, learning disabilities specialist, and physical disabilities specialist are to aid and support students as they learn and to support other faculty within their professional responsibility.

The following criteria will be used in the evaluation of probationary counselors, librarians, and learning disabilities specialists, respectively.

COUNSELORS

- A. Demonstrate competence in performing counseling procedures.
1. Adhere to the weekly schedule that meets the requirements of this contract.
 2. Use counseling skills appropriate to the counseling session.
 3. Clarify the counseling needs of students, being both attentive to student questions and comments as well as clear and precise in response.
 4. When appropriate, identify referral sources and make suitable referrals.
 5. Conduct counseling in such a way as to establish rapport with students and encourage independence.
 6. Provide students with accurate, available information regarding certificate, transfer, and degree programs and articulation when applicable.
 7. Maintain accurate records and submit reports such as individual educational plan (IEP) according to published deadlines.
- B. Recognize the rights of students.

1. Do not discriminate based on age, gender, disability, nationality, race, religion or sexual orientation.
 2. Recognize the right of students to have points of view different from the instructor's.
 3. Be responsive to the needs and special circumstances of students.
 4. Treat students fairly and politely.
- C. Participate in non-counseling professional responsibilities.
1. Attend required management called meetings.
 2. Serve on departmental/subarea/division/area, college or district committee(s). this activity is required in the third and fourth years only and permitted in the second year. (It is understood, however, that such obligations are to be equitably distributed among all faculty members. An individual should not receive a negative evaluation either for failing to take on or for accepting a disproportionately large share of meetings or committees.)
- D. Participate in professional growth activities beginning the second year and thereafter.
These may include the following:
1. participating in activities designed to enhance professional performance: independent research, learning and developing strategies for more effectively serving students, advanced course work related to the discipline, creating and maintaining professional contacts, and occupational training:
 2. serving on college, district, and/or statewide committees; and
 3. participating in conferences and workshops, internships, classroom research, and community involvement related to professional academic area.

LIBRARIANS

- A. Demonstrate competence in performing library duties and other responsibilities.
1. Display expertise in subject matter appropriate to assigned responsibilities, including cataloging and acquisitions, if applicable.
 2. Adhere to the agreed-upon weekly schedule that meets the requirements of this contract.
 3. Provide consultation on library resources with faculty, students, staff, managers and others requesting library services.
 4. Treat colleagues fairly and politely as fellow professionals, and be considerate in dealings with other college staff.
- B. Recognize the rights of students.

1. Do not discriminate based on age, gender, disability, nationality, race, religion or sexual orientation.
 2. Recognize the right of students to have points of view different from the instructor's.
 3. Treat students fairly and politely.
 4. Be attentive to student questions and comments, and be clear and precise in response.
- C. Participate in non-library professional responsibilities.
1. Attend required management-called meetings.
 2. Serve on departmental/subarea/division/area, college, or district committee(s). This activity is required in the third or fourth years only and permitted in the second year. (It is understood, however, that such obligations are to be equitably distributed among all faculty members. An individual should not receive a negative evaluation either for failing to take on or for accepting a disproportionately share of meetings or committees.)
- D. Participate in professional growth activities beginning the second year and thereafter. These may include the following:
1. participating in activities designed to enhance professional performance: independent research, learning and developing strategies for more effectively serving students and patrons of the library, advanced course work related to the discipline, creating and maintaining professional contacts and occupational training, developing new courses and/or curricula, and applying professional knowledge and/or skills to community and similar activities;
 2. serving on college, district, and/or statewide committees; and
 3. maintaining and expanding knowledge and skills in subject matter appropriate to professional responsibilities by staying current with new information systems and new technologies, and new resources in academic and vocational disciplines.

LEARNING DISABILITIES SPECIALISTS

- A. Demonstrate competence in performing routine procedures and other primary responsibilities.
1. Adhere to the weekly schedule that meets the requirements of this contract.
 2. Display expertise in techniques designed to enhance learning.
 3. Diagnose and provide verification of learning disabilities and determine eligibility for services in accordance with state guidelines.
 4. Meet individually with students to discuss their assessment, diagnostic testing, learning style, and academic needs.

5. Develop a prescriptive individual education plan for each student detailing appropriate support services.
 6. Teach students how to apply learning strategies particularly suited to their individual needs in order to determine goals.
 7. Help students gain greater independence in an academic environment.
 8. Provide in-service training to faculty to equalize students' chances of academic success.
 9. Work effectively with professionals in state and local agencies.
- B. Recognize the rights of students.
1. Display skill in establishing rapport with diverse population of students.
 2. Be responsive to the needs and special circumstances of individual students.
 3. recognize the right of students to have points of view different from the instructor's.
 4. Communicate diagnostic information to students in a manner which helps them maximize their strengths.
 5. Do not discriminate based on age, gender, disability, nationality, race, religion or sexual orientation.
 6. Treat students fairly and politely.
 7. Be attentive to student questions and comments, and be clear and precise in response.
- C. Participate in professional responsibilities.
1. Attend required management called meetings.
 2. Serve on departmental/subarea/division/area, college, or district committee(s). This activity is required in the third and fourth years only and permitted in the second year. (it is understood, however, that such obligations are to be equitably distributed among all faculty members. An individual should not receive a negative evaluation either for failing to take on or for accepting a disproportionately large share of meetings or committees.)
- D. Participate in professional growth activities beginning the second year and thereafter. These may include the following:
1. participating in activities designed to enhance professional performance: independent research, learning and developing strategies for more effectively serving students, advanced course work related to the discipline, creating and maintaining professional contacts, and occupational training;
 2. serving on college, district, and/or statewide committees; and

3. participating in conferences and workshops, internships, classroom research, and community involvement related to professional area.

PHYSICAL DISABILITIES SPECIALISTS

- A. Demonstrate competence in performing routine and other primary responsibilities.
 1. Adhere to the weekly schedule that meets the requirements of this contract.
 2. Demonstrate sensitivity to the student's unique needs in light of his/her disability.
 3. Meet individually with students to discuss their goals, accommodations, and academic needs.
 4. Help students gain greater independence in an academic environment.
 5. Provide in-service training to faculty and staff to equalize students' chances of academic success.
 6. Work effectively with professionals in state and local agencies.
 7. Develop a prescriptive education plan for each student detailing appropriate support services.
 8. Establish communication feedback and processes for monitoring student progress with faculty.
 9. Provide leadership in the development of processes, strategies and feasibility planning to ensure that the disabled student programs and services goals are achieved.
 10. Perform a variety of duties associated with assessment, identification, and formulation of educational goals and objectives for physical and communication disabled students.
 11. Perform a variety of duties associated with the transfer and/or vocational placement of physical and communication disabled students.

- B. Recognize the rights of students
 - 1. Display skill in establishing rapport with a diverse population of students.
 - 2. Be responsive to the needs and special circumstances of individual students.
 - 3. Recognize the right of students to have points of view different from the instructor's.
 - 4. Communicate diagnostic information to students in a manner which helps them maximize their strengths.
 - 5. Do not discriminate based on age, gender, disability, nationality, race, religion or sexual orientation.
 - 6. Treat students fairly and politely.
 - 7. Be attentive to student questions and comments, and be clear and precise in response.
- C. Participate in professional responsibilities.
 - 1. Attend required management called meetings.
 - 2. Serve on departmental/subarea/division/area, college or district committee(s). This activity is required in the third and fourth years only and permitted in the second year. (It is understood, however, that such obligations are to be equitably distributed among all faculty members. An individual should not receive a negative evaluation either for failing to take on or for accepting a disproportionately large share of meetings or committees.)
- D. Participate in professional growth activities beginning the second year and thereafter. These may include the following:
 - 1. participating in activities designed to enhance professional performance: independent research, learning and developing strategies for more effectively serving students, advanced course work related to the discipline, creating and maintaining professional contacts, and occupational training;
 - 2. serving on college, district, and/or statewide committees; and
 - 3. participating in conferences and workshops, internships, classroom research, and community involvement related to professional area.

III. Composition, Formation, and Responsibilities of the Peer Review Committee (PRC)

- A. The Peer Review process shall be conducted in adherence to the Education Code which states that "the peer review process shall be on a departmental or divisional basis, and shall address the forthcoming demographics of California and the principles of affirmative action. The process shall require that the peers reviewing are both representative of the diversity of California and be sensitive to

affirmative action concerns, all without compromising quality and excellence in teaching.” (87663d)

- B. The Peer Review Committee (PRC) is charged with the responsibility of conducting the evaluation and shall be composed of three members; one regular faculty member chosen by the probationary faculty member; one regular faculty member chosen by the department/sub-area of which the probationary faculty member is a part (in the case of a one person department/subarea, this faculty member shall be chosen by the division/area of which the probationary faculty member is a part.); and one manager who is the immediate supervisor of the probationary faculty member or the dean of instruction/dean of student services/area dean. This manager shall be appointed by the president.
- C. The names of the peers shall be submitted to the college affirmative action officer for review of compliance with the Education Code diversity requirements. If the affirmative action officer determines that the peers selected do not satisfy the Code requirements, s/he shall meet with the department/subarea to discuss the issue.
- D. An evaluator may serve on a TRC if s/he has participated in an orientation to evaluation within the last three years. (See Appendix A: Orientation to Evaluation.)
- E. Responsibilities of Members of the TRC (Guidelines for implementing TRC responsibilities are in Appendix B)
 - 1. Evaluation shall be conducted by the evaluator(s) in accordance with the timetables.
 - 2. In the pre-evaluation conference, the evaluator shall obtain appropriate materials and information regarding course syllabi, outlines, sample current examinations or quizzes, and graded assignments. The confidentiality of student work shall be maintained.
 - 3. Observations shall be scheduled at least one week in advance with the mutual agreement of the faculty member to be evaluated. Prior to the observation the evaluatee shall also complete and submit the Classroom Observation Information Sheet to the evaluator. (See Appendix D-2.)
 - 4. The evaluator(s) shall observe for a reasonable amount of time to obtain understanding of job performance (for instructors – at least one classroom or lab hour).
 - 5. Class sections of faculty to be evaluated shall be conducted as follows:
 - a. For probationary faculty, the evaluator(s) shall observe different class sections so that a minimum of two different sections are observed.
 - 6. The documentation used for classroom observation shall include narrative comments. (See Appendix D-3).
 - 7. Within two weeks of the classroom observation, each evaluator shall

complete the classroom observation form and meet with the evaluatee to discuss the observation.

The counselor, librarian, and learning disabilities specialist assigned as a classroom instructor shall be evaluated for classroom teaching in the same manner as all other classroom instructors.

- **How many classes will be evaluated?**
- **Who selects the classes?**
- **Non-classroom teaching needs to be an option for evals**
- **What about on line classes?**

1. The TRC shall **select a chair by majority vote** ~~be chaired by the administrator~~ whose responsibilities include the following:
 - a. convening the TRC conferences at least two times each semester at mutually agreeable times: (1) a pre-evaluation conference; (2) if necessary, a progress evaluation conference after TRC members have completed classroom observation; (3) a post evaluation conference after all evaluations have been completed;
 - b. ensuring that committee members and the evaluatee have appropriate forms;
 - c. coordinating student evaluations, classroom observations, and observations of counselors, librarians, and learning disabilities specialists;
 - d. adhering to the specified timetable for the evaluation process in conjunction with the appropriate dean/director;
 - e. communicating evaluation results to the probationary faculty member;
 - f. ensuring that all evaluation materials have been placed in the portfolio of the probationary faculty member; and
 - g. ensuring that the committee determines whether other duties related to the evaluatee's load responsibilities ought to be addressed/evaluated.
2. **If an administrator chairs the TRC committee and a faculty member writes the summary report** ~~TRC shall select one member to complete the summary checklist and write the summary report. If a faculty member is chosen,~~ the faculty member shall receive the same stipend as if he/she were the TRC chair.
3. If a member of the TRC must resign from the committee, he/she shall notify the chair in writing. A new member shall be designated using the method indicated in III.B. The new member must have participated in the orientation to evaluation; additional orientations will be given as needed.

IV. Rights and Responsibilities

A. Rights

1. A probationary faculty member being considered for tenure is entitled to be informed of the procedures of the Peer Review process, including all appeal processes and the basis upon which tenure decisions are made. The probationary faculty member must be informed of criteria-related expectations.
2. The probationary faculty member shall have the right to have all evaluation results sent to him/her in writing.
3. The probationary faculty member has the right to expect tenure decisions based only on factors related to job-related criteria.
4. The probationary faculty member has the right to expect members of the TRC to adhere to the guidelines stipulated in this article and to expect that they will strive to maintain objectivity, and ensure that any decisions regarding tenure are in agreement with the principles of academic freedom.
5. The probationary faculty member has the right to a confidential process.
6. The probationary faculty member may wish to select a peer advisor (**mentor**) who shall serve as an independent advisor during the Peer Review process. A peer advisor is a faculty member who volunteers to work with and advise the probationary faculty member.
 - a. the probationary faculty member may request assistance in finding peer advisors by contacting the college academic senate president and/or Nexus coordinator.
 - b. The peer advisor could provide assistance to the candidate in areas such as the following:
 - (1) teaching styles and strategies;
 - (2) theories and styles of student learning;
 - (3) cultural diversity issues related to student learning and teaching strategies;
 - (4) district and college policies and procedures;
 - (5) workshops, conferences, courses and classes;
 - (6) introducing the candidate to colleagues;
and
 - (7) helping with student problems.

- c. The peer advisor may not serve on the probationary faculty member's Peer Review Committee ~~at any time during the probationary period.~~ **during a semester in which they are functioning as peer advisor.**

B. Responsibilities

1. The probationary faculty member is required to attend an orientation session as well as meetings scheduled with the TRC.
2. The probationary faculty member is required to cooperate with the TRC in creating and implementing an improvement plan to address any identified weaknesses and to participate in the activities agreed upon in the plan.
3. In the case of vocational faculty who do not possess a bachelor's degree, the TRC and the probationary faculty member shall develop a plan for the completion of the degree within the probationary period if the bachelor's degree continues to be mandated law. The TRC shall establish a method for monitoring and documenting progress of the probationary faculty member. (See Appendix J: Plan to Complete Bachelor's Degree.)

V. Summary Report

- A. The member selected by the TRC shall complete the TRC's portion of the summary report on the results of the evaluation. Categories of evaluation ratings are as follows:
 1. **Consistently High Ratings: has a majority of "yes" scores on Part 1 of the classroom observation form (COF) and a majority of ratings that are a 4 or 5 in both Part 2 of the COF and the student evaluation form (SEF).** ~~exceeds standards of performance consistently high ratings in almost all areas.~~
 2. **Satisfactory Performance: has a majority of "yes" scores on Part 1 of the COF and a majority of ratings that are 3, 4, or 5 in both part 2 of the COF and the SEF.** ~~meets standards of performance average to high ratings in most areas;~~
 3. **Needs Improvement: has either a majority of "no" scores on Part 1 of the COF or a majority of ratings that are 3 or below on either Part 2 of the COF or the SEF.** ~~below standards of performance low to average ratings in most areas; or~~
 4. **Unsatisfactory Performance: has a majority of "no" scores on Part 1 of the COF and a majority of ratings below 3 in both the COF and SEF.** ~~unacceptable performance low ratings in most areas.~~
- B. The TRC must submit to the president one of the recommendations listed below on each probationary faculty member at the end of each evaluation cycle. While each TRC member signs the summary report, the signature might not mean concurrence with the final recommendation of the TRC. (*The signature section*

of the summary report for TRC members should signify "participation" but necessarily agreement.)

1. Grant Tenure

A probationary faculty member **with "consistently high ratings"** who ~~"exceeds standards of performance"~~ may be recommended for tenure at any time during the four-year probationary period (Ed. Code Sec. 87608); a probationary faculty member **with "Satisfactory Performance"** who ~~"meets standards of performance"~~ shall be recommended for tenure during the fourth year.

2. Continuation in Probationary Status

A probationary faculty member **with "Satisfactory Performance"** who ~~"meets standards of performance"~~ at the end of the first and second years shall be recommended to continue in probationary status.

A probationary faculty member who receives **"Needs Improvement"** ~~"below standards of performance"~~ shall be recommended to continue in probationary status. A rating of **"Needs Improvement"** ~~"below standards of performance"~~ can be made only at the end of the first year of the probationary period for one additional year or at the end of the second year of the probationary period for two additional years.

3. Termination of Service

A probationary faculty member who is given an **"Unsatisfactory Performance"** ~~"unacceptable performance"~~ shall be recommended for termination. Termination of services must be recommended by February 15 of the first, second, or fourth probationary year.

VI. Timetable and Activities

- A. Probationary faculty members shall be evaluated during the first, second, third, fifth and seventh semesters.
- B. While it is important to adhere to the timetable, there is some flexibility in the timetable as long as the evaluation is completed by the end of the semester in which it has begun. Failure to follow the exact timetable during the semester of evaluation shall not be grievable.

The following schedule shall serve as a guide in completing the evaluation process.

- 1. August/January
Peer evaluators are selected.
- 2. August-September/January-February
Orientation to evaluation for TRC and probationary faculty members is conducted (See Appendices A and B.)
- 3. September/February
Peer Review Committee (PRC) will conduct a pre-evaluation conference to obtain materials and information from the probationary faculty member, to discuss evaluation criteria, and to develop a schedule for observations, student evaluations, and meetings. Timetables for classroom observation and administration of a student evaluation shall be adjusted to accommodate classes that are less than a semester in length. Such adjustments shall be made with mutual agreement of the evaluatee and the chair of the evaluation committee. (See Appendix D-1: Classroom Observation Procedure and Appendices E-1, F-1, G-1, H-1: Workplace Observation Procedure.)

In the second and succeeding years, the TRC will review the previous year's evaluation to ensure continuity of the process. Improvement plans shall also be reviewed in the pre-evaluation conference.

- 4. September-October/February-March
Classroom observations of teaching faculty and workplace observations of librarians, counselors, learning disabilities specialists, and physical disabilities specialist by TRC members occur.

Prior to the classroom observation, the probationary faculty member shall complete the classroom observation information sheet. (See Appendix D-2.)

Within two weeks after the observations, TRC members will complete the appropriate classroom observation form(s) and conduct follow-up conference(s) with probationary faculty members to review the

observation(s). (See Appendix D-3 for teaching faculty; for counselors, E-2; for librarians, F-2; for learning disabilities specialists, G-2; for physical disabilities specialists, H-2.)

Student evaluations are conducted. This can occur the same day as classroom observations if time permits. (See Appendix D-4 for teaching faculty; for counselors, E-3; for librarians, F-3; for learning disabilities specialists, G-3; for physical disabilities specialists, H-3.)

5. October/March

- a. ~~Student evaluations are conducted. (See Appendix D-4 for teaching faculty; for counselors, E-3; for librarians, F-3; for learning disabilities specialists, G-3; for physical disabilities specialists, H-3.)~~
- b. If necessary, a progress evaluation conference between the TRC and the probationary faculty member to discuss classroom evaluations and observations will occur. If any of the evaluators perceives a serious problem with the evaluatee's performance, the evaluator shall contact the chair of the TRC to convene a special meeting of the TRC. If the TRC decides that a serious problem exists, it will meet with the probationary faculty member and develop specific recommendations to address the serious problem(s). If the TRC so determines, these recommendations may provide for additional observations by one or more members of the committee. These recommendations will be added to the portfolio.

6. November/April

Probationary faculty member completes self evaluation and submits to TRC chair. (See Appendix I.) The manager on the TRC and the United Faculty vice-president shall review the personnel file of the probationary faculty member and forward all criteria-related documents in the file to the TRC for review. TRC may receive input that is relevant to criteria from Department Chair (if applicable).

7. December/May

a. Post-evaluation conferences

- (1) The TRC holds a post-evaluation conference to discuss all aspects of the evaluation and to assemble materials for the evaluation portfolio. (See Appendix C.)

The person writing the summary report in conjunction with the TRC members completes the summary checklist, the summary report, and, if necessary, discusses the development of an improvement plan. (For teaching faculty, see Appendices D-6 and K; for counselors, E-5 and K; for librarians, F-5 and K; for learning disabilities specialists, G-5 and K; for physical disabilities specialists, H-5 and K.) The summary report represents and reflects the views of each and every team member.

- (2) The TRC holds a post-evaluation conference with the probationary faculty member to discuss all aspects of the evaluation, including the summary report and the development of an improvement plan, if necessary. (See Appendix J: Improvement Plan.) The summary report shall be signed and placed in the evaluation portfolio which shall be finalized.

- b. Evaluation portfolio shall be forwarded to the college president.
- c. The president reviews the evaluation portfolio and decides whether to recommend tenure, continue in probationary status, continue service with an improvement plan, or terminate service. The president may disagree with the TRC's recommendation.