

## ARTICLE 11 EVALUATION FILE

**11.1 Policy.** ~~There shall be one (1) evaluation file~~ shall containing a dated copy of all documents used in the evaluation process, other than evaluations for tenure and/or promotion. ~~When evaluations and other personnel decisions are made, Only documents contained in the evaluation file shall be used for evaluations and personnel decisions, other than for tenure and/or promotion, the only documents which may be used are those contained in that file.~~ Such documents shall be placed in the evaluation file within a reasonable time after receipt by the custodian of the file. It is permissible for some documents, such as faculty annual reports, to be preserved in electronic format.

**11.2 Access.** An employee may examine the evaluation file, upon reasonable advance notice, during ~~the~~ regular business hours of the office in which the file is kept, normally within the same business day as the employee requests to see it, and under such conditions as are necessary to insure its integrity and safekeeping. ~~Upon request, an~~ The employee may paginate ~~with successive whole numbers~~ the materials in the file, and ~~may~~ attach a concise statement in response to any item therein. ~~Upon request, a~~ An employee is entitled to one (1) free copy of any material in the evaluation file. Additional copies may be obtained by the employee upon the payment of a reasonable fee for photocopying. A person with written authorization ~~designated from by~~ the employee may examine ~~the~~ at employee's evaluation file, ~~with the written authorization of the employee concerned, and~~ subject to the same access limitations ~~on access that are~~ applicable to the employee.

**11.3 Indemnification.** The UFF agrees to indemnify and hold the University, its officials, agents, and representatives harmless from and against any and all liability for any improper, illegal, or unauthorized use by the UFF of information contained in such evaluation files.

**11.4 Use of Evaluative Materials.** ~~In the event a grievance is filed, t~~ The University, UFF grievance representatives, the arbitrator, and the grievant shall have the right to use, ~~in the grievance proceedings,~~ copies of materials from the ~~grievant's~~ employee's evaluation file. ~~in grievance proceedings.~~

**11.5 Anonymous Material.** ~~There shall be n~~ No anonymous material shall be in the evaluation file except ~~for~~ numerical summaries of student evaluations that are part of a regular evaluation procedure of classroom instruction and/or written comments from students obtained as part of that regular evaluation procedure. If written comments from students in a course are included in the evaluation file, all ~~of the~~ comments obtained in the same course must be included.

**11.6 Peer Committee Evaluations.** Evaluative materials prepared by peer committees as part of a regular evaluation system, or summaries thereof, ~~prepared by peer committees as part of a regular evaluation system,~~ may be placed in an evaluation file when signed by a representative of the committee.

**11.7 Removal of Contents.** Materials shown to be contrary to fact shall be removed from the file. This section shall not authorize the removal of materials from the evaluation file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may also be removed pursuant to the resolution of a grievance.

**11.8 Limited Access Information Records.** Pursuant to Florida Statute 1012.91, the following records are confidential and exempt from s.119.07(1).

(a) ~~i~~ Information reflecting academic evaluation of employee performance shall be available for inspection only by the employee, and by officials of the University responsible for supervision of the employee. However, such limited access status shall not apply to summary data, by course, for the common "core" items contained in student course evaluations, which have been selected as such by the University and made available to the public on a regular basis.  
~~the employee's representative, University officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating employee performance, those investigating the possibility of discrimination or retaliation, arbitrators or others engaged by the parties to resolve disputes, and others by court order.~~

(b) ~~¶~~ Records maintained for investigation of employee misconduct, disciplinary proceedings, or grievances shall be available for inspection only by the employee, those investigating the possibility of misconduct, university officials conducting a grievance proceeding, arbitrators or others engaged by the parties to resolve disputes, and others by court order. However, such limited access status shall not apply to summary data, by course, for the common "core" items contained in student course evaluations, which have been selected as such by the University and made available to the public on a regular basis. However, once a final decision in such proceedings has been made, and the results provided to the employee, the records

are no longer confidential. An investigation of employee misconduct shall be presumed to be inactive if no finding is made within 90 days after the complaint has been filed.

(c) ~~#~~Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of s.119.07(1). In addition for sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness, are limited access records.