

ARTICLE 11
EVALUATION FILE

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4 **11.1 Policy.** ~~There shall be one~~ One (1) evaluation file shall contain~~ing~~ a dated copy of all documents
5 used in the evaluation process, other than evaluations for tenure and/or promotion. ~~When evaluations and~~
6 ~~other personnel decisions are made, Only documents contained in the evaluation file shall be used for~~
7 ~~evaluations and personnel decisions,~~ other than for tenure and/or promotion, ~~the only documents which~~
8 ~~may be used are those contained in that file.~~ Such documents shall be placed in the evaluation file within
9 a ~~reasonable time~~ week after receipt by the custodian of the file. It is permissible for some documents,
10 such as faculty annual reports, to be preserved in a mainstream electronic format.

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12 **11.2 Access.** An employee may examine the evaluation file, ~~upon reasonable advance notice,~~ during
13 ~~the~~ regular business hours of the office in which the file is kept, normally within the same business day,
14 or as soon as practicable, as the employee requests to see it, and under such conditions as are necessary to
15 ~~insure~~ its integrity and safekeeping. ~~Upon request, an~~ The employee may numerically paginate ~~with~~
16 ~~successive whole numbers~~ the physical materials in the file, and may attach a concise signed and dated
17 statement in response to any item therein. ~~Upon request, a~~ An employee is entitled to one (1) free copy of
18 any material in the evaluation file. Additional copies may be obtained by the employee upon the payment
19 of a reasonable fee for photocopying and the time required to carry out the task. ~~A~~ Only a person with
20 written authorization ~~designated from~~ by the employee may examine that ~~any other~~ employee's evaluation
21 file, ~~with the written authorization of the employee concerned, and~~ subject to the same access limitations
22 ~~on access that are~~ applicable to the employee.

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24 **11.3 Indemnification.** The UFF agrees to indemnify and hold the University, its officials, agents,
25 and representatives harmless from and against any and all liability for any improper, illegal, or
26 unauthorized use by the UFF of information contained in such evaluation files.

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28 **11.4 Use of Evaluative Materials.** ~~In the event a grievance is filed, t~~ The University, UFF grievance
29 representatives, the arbitrator, and the grievant shall have the right to use, ~~in the grievance proceedings,~~
30 copies of materials from the ~~grievant's~~ employee's evaluation file. ~~in grievance proceedings.~~

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32 **11.5 Anonymous Material.** ~~There shall be n~~ No anonymous material shall be in the evaluation file
33 except ~~for~~ numerical summaries of student evaluations that are part of a regular evaluation procedure of
34 classroom instruction and/or written comments from students obtained as part of that regular evaluation
35 procedure. If written comments from students in a course are included in the evaluation file, all ~~of the~~
36 comments obtained in the same course must be included.

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38 **11.6 Peer Committee Evaluations.** Evaluative materials prepared by peer committees and signed
39 by a committee representative as part of a regular evaluation system, or summaries thereof, ~~prepared by~~
40 ~~peer committees as part of a regular evaluation system,~~ may be placed in an evaluation file ~~when signed~~
41 by a representative of the committee.

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43 **11.7 Removal of Contents.** Materials shown to be contrary to fact shall be removed from the file
44 within three business days. This section shall not authorize the removal of materials from the evaluation
45 file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may
46 also be removed pursuant to ~~the~~ resolution of a grievance.

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48 **11.8 Limited Access Information Records.** Pursuant to Florida Statute 1012.91, the following
49 records are confidential and exempt from s.119.07(1).

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

59 (b) ~~#~~Records maintained for investigation of employee misconduct, disciplinary proceedings,
60 or grievances shall be available for inspection only by the employee, those investigating the possibility of
61 misconduct, university officials conducting a grievance proceeding, arbitrators or others engaged by the
62 parties to resolve disputes, and others by court order. ~~However, such limited access status shall not apply~~
63 ~~to summary data, by course, for the common "core" items contained in student course evaluations, which~~
64 ~~have been selected as such by the University and made available to the public on a regular basis.~~
65 However, if the investigation becomes inactive as defined at s.1012.91, or a final decision in such
66 proceedings has been made and the results provided to the employee, the records are no longer
67 confidential.

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