

ARTICLE 11
EVALUATION FILE

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4 **11.1 Policy.** One evaluation file shall contain a dated copy of all documents used in the evaluation
5 process, other than evaluations for tenure and/or promotion. Only documents contained in the evaluation
6 file shall be used for evaluations and personnel decisions, other than for tenure and/or promotion. Such
7 documents shall be placed in the evaluation file within a week after receipt by the custodian of the file. It
8 is permissible for some documents, such as faculty annual reports, to be preserved in a mainstream
9 electronic format.

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11 **11.2 Access.** An employee may examine the evaluation file, during regular business hours of the
12 office in which the file is kept, normally within the same business day, or as soon as practicable, as the
13 employee requests to see it, and under such conditions as are necessary to ensure its integrity and
14 safekeeping. The employee may numerically paginate the physical materials in the file, and may attach a
15 concise signed and dated statement in response to any item therein. An employee is entitled to one free
16 copy of any material in the evaluation file. Additional copies may be obtained by the employee upon the
17 payment of a reasonable fee for photocopying and the time required to carry out the task. Only a person
18 with written authorization from the employee may examine that employee's evaluation file, subject to the
19 same access limitations applicable to the employee.

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21 **11.3 Indemnification.** The UFF agrees to indemnify and hold the University, its officials, agents,
22 and representatives harmless from and against any and all liability for any improper, illegal, or
23 unauthorized use by the UFF of information contained in such evaluation files.

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25 **11.4 Use of Evaluative Materials.** The University, UFF grievance representatives, the arbitrator, and
26 the grievant shall have the right to use copies of materials from the employee's evaluation file in
27 grievance proceedings.

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29 **11.5 Anonymous Material.** No anonymous material shall be in the evaluation file except numerical
30 summaries of student evaluations that are part of a regular evaluation procedure of classroom instruction
31 and/or written comments from students obtained as part of that regular evaluation procedure. If written
32 comments from students in a course are included in the evaluation file, all comments obtained in the same
33 course must be included.

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35 **11.6 Peer Committee Evaluations.** Evaluative materials prepared by peer committees and signed
36 by a committee representative as part of a regular evaluation system, or summaries thereof, may be
37 placed in an evaluation file.

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39 **11.7 Removal of Contents.** Materials shown to be contrary to fact shall be removed from the file
40 within three business days. This section shall not authorize the removal of materials from the evaluation
41 file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may
42 also be removed pursuant to resolution of a grievance.

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44 **11.8 Limited Access Records.** Pursuant to Florida Statute 1012.91, the following records are
45 confidential and exempt from s.119.07(1).

46 (a) Information reflecting academic evaluation of employee performance shall be available
47 for inspection only by the employee, and by officials of the University responsible for supervision of the
48 employee. However, such limited access status shall not apply to summary data, by course, for the
49 common "core" items contained in Student Perception of Instruction ("SPOI") form, which have been
50 selected as such by the University and made available to the public on a regular basis.

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(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, if the investigation becomes inactive as defined at s.1012.91, or a final decision in such proceedings has been made and the results provided to the employee, the records are no longer confidential.

(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 that identify the complainant, a witness, or information that could reasonably lead to identification of the complainant or a witness, are limited access records.