

# ARTICLE 11

## **EVALUATION FILE**

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

**11.2 Access.** An employee may examine the evaluation file, during regular business hours of the office in which the file is kept, normally within the same business day, or as soon as practicable, as the employee requests to see it, and under such conditions as are necessary to ensure its integrity and safekeeping. The employee may numerically paginate the physical materials in the file, and may attach a concise signed and dated statement in response to any item therein. An employee is entitled to one 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 and the time required to carry out the task. Only a person with written authorization from the employee may examine that employee's evaluation file, subject to the same access limitations 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.** The University, UFF grievance representatives, the arbitrator, and the grievant shall have the right to use copies of materials from the employee's evaluation file in grievance proceedings.

**11.5 Anonymous Material.** No anonymous material shall be in the evaluation file except 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

39 procedure. If written comments from students in a course are included in the  
40 evaluation file, all comments obtained in the same course must be included.  
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42 **11.6 Peer Committee Evaluations.** Evaluative materials prepared by  
43 peer committees and signed by a committee representative as part of a  
44 regular evaluation system, or summaries thereof, may be placed in an  
45 evaluation file.  
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47 **11.7 Removal of Contents.** Materials shown to be contrary to fact shall  
48 be removed from the file within three business days. This section shall not  
49 authorize the removal of materials from the evaluation file when there is a  
50 dispute concerning a matter of judgment or opinion rather than fact. Materials  
51 may also be removed pursuant to resolution of a grievance.  
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53 **11.8 Limited Access Records.** Pursuant to Florida Statute 1012.91, the  
54 following records are confidential and exempt from s.119.07(1).

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

62 (b) Records maintained for investigation of employee misconduct,  
63 disciplinary proceedings, or grievances shall be available for inspection only  
64 by the employee, those investigating the possibility of misconduct, university  
65 officials conducting a grievance proceeding, arbitrators or others engaged by  
66 the parties to resolve disputes, and others by court order. However, if the  
67 investigation becomes inactive as defined at s.1012.91, or a final decision in  
68 such proceedings has been made and the results provided to the employee,  
69 the records are no longer confidential.

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

Date: