

ARTICLE 10

EMPLOYEE PERFORMANCE EVALUATIONS

10.1 Annual Evaluations.

(a) Policy. Performance evaluations are primarily intended to communicate to an employee an assessment of that employee's performance of assigned duties by providing written constructive feedback that will assist in improving the employee's performance and expertise. Evaluations may be considered in employment related decisions such as salary, retention, assignments, awards, tenure, and promotion. Each employee's performance shall be evaluated in writing at least once annually. Employees shall be evaluated according to the University Criteria for Annual Performance Evaluations (Section 10.1(d) below).

(b) Annual Evaluation Period. The annual evaluation period shall be the academic year, beginning August 8th, and shall include the preceding summer, as appropriate. The evaluation period for research may be longer than one year if specified in the approved Annual Evaluation Standards and Procedures. The evaluation period used to distinguish between ratings of Conditional and Unsatisfactory in any area of assignment may be longer than one year.

(c) Evaluation Ratings. Evaluations shall use the rating categories of outstanding, above satisfactory, satisfactory, conditional, and unsatisfactory in each area of assignment and for the overall evaluation. The overall evaluation shall be consistent with the employee's annual assignment, the evaluations in each assignment area, and the department or unit's Annual Evaluation Standards and Procedures. An employee shall not be evaluated in and the overall evaluation shall not be affected by an area in which the employee had no assignment. A department or unit's Annual Evaluation Standards and Procedures may require an employee to receive a minimum rating of Satisfactory in each area of assignment with an assignment of effort of five percent (5%) or more in order to receive an overall rating of Satisfactory or above.

(d) University Criteria for Annual Performance Evaluations. The annual performance evaluation shall be based upon the professional performance of assigned duties and shall carefully consider the nature of the assignments and quality of the performance in terms, where applicable, of:

(1) Teaching effectiveness, including effectiveness in imparting knowledge, information, and ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration, laboratory exercise, workshop, practical experience, student perceptions of instruction, assessment of and engagement with student work, and direct consultation with students.

a. The evaluation shall include consideration of effectiveness in imparting knowledge and skills, and effectiveness in stimulating students' critical thinking and/or creative abilities, the development or revision of curriculum and course structure, effective student performance evaluation procedures, and adherence to accepted standards of professional behavior in meeting responsibilities to students. The learning objectives of each course, the means of assessing learning objectives, and the outcomes of the assessment should be assessed as part of the teaching performance.

b. The evaluation shall include consideration of other assigned university teaching duties, such as advising, counseling, supervision, or duties of the position held by the employee.

c. The department chair or unit head (or "evaluator") shall take into account any relevant materials submitted by the employee such as class notes, syllabi, student exams and assignments, an employee's teaching portfolio, results of peer evaluations of teaching, and any other materials relevant to the employee's instructional assignment.

d. The evaluator shall consider all information available in forming an assessment of teaching effectiveness.

(2) Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of research/scholarship/creative activity.

a. Evidence of research/scholarship/creative activity, either print or electronic, shall include, but not be limited to, as appropriate, published books; chapters in books; articles and papers in professional journals; musical compositions, paintings, sculpture; works of performing art; papers presented at meetings of professional societies; funded grant activities; reviews; and research and creative activity that has not yet resulted in publication, funding, display, or performance.

b. The evaluation shall include consideration of the quality and quantity of the employee's research/scholarship and other creative programs and

contributions during the evaluation period, and recognition by the academic or professional community of what has been accomplished.

(3) Performance of assigned professional duties.

(4) Public service that extends professional or discipline-related contributions to the community; the state, including public schools; and the national and international community. Such service includes contributions to scholarly and professional conferences and organizations, governmental boards, agencies, and commissions that are beneficial to such groups and individuals.

(5) Service within the university and participation in the governance processes of the institution through significant service on committees, councils, and senates, attendance at commencement, and the employee's contributions to the governance of the institution through participation in regular departmental or college meetings.

(6) Service for UFF activities is not considered university service and shall not be evaluated.

(7) Other assigned university duties such as academic administration.

(e) Annual Evaluation Standards and Procedures (AESPs). Each University department or unit shall maintain written AESPs by which to evaluate each employee according to the University Criteria for Annual Performance Evaluations specified in this article. AESPs shall be clarifications of the University criteria in terms tailored to the department or unit's discipline (s), employee positions (e.g., tenured or tenure earning, non-tenure-earning, library faculty), and assigned duties. These discipline-specific clarifications shall:

(1) take into consideration the University's mission, the college's or division's mission the department's mission, and the expectations for the different ranks;

(2) be adaptable to various assigned duties;

(3) address, as appropriate, how various research/scholarship/creative activities are valued and the outlets in which employees might be expected to publish, exhibit, or perform.

(4) be rigorous and detailed enough that a reasonable employee should not be uncertain or confused about what performance or accomplishment is sufficient in teaching, research/scholarship/creative activity, professional duties commonly assigned in the department or unit, and service to earn each

performance evaluation rating. The clarifications shall identify for each assignment area some representative examples of the achievements or performance characteristics that would earn each performance evaluation rating, consistent with an employee's assigned duties. Examples shall be included for typical assignments within the department or unit (e.g., for 2-2 and 3-2 teaching assignments with correspondingly larger and smaller research assignments, if typically assigned), and must demonstrate the equitable opportunity required by (2) above.

(f) Process for developing AESPs.

(1) In tenure-granting departments or units, a committee of six members including four unit employees (at least two must have tenure) elected by the employees in the unit, the department chair or unit head, and one representative appointed by the dean will develop or revise AESPs. If a department or unit has fewer than two tenured employees, the entire department or unit shall vote to elect up to four employees to serve on the committee, along with the department chair or unit head and one member appointed by the dean.

(2) Employees in the department or unit shall propose AESPs or changes thereto as developed by the committee by a majority vote in a secret ballot. If a majority exists, the proposed AESPs shall be forwarded to the dean or the appropriate vice president.

(3) The proposed AESPs or revisions thereto shall be reviewed by the dean or vice president. If the dean/vice president determines the proposed AESPs do not meet their expectations, the dean/vice president may refer them back to the department or unit for revision with a written statement of the reasons for non-acceptance.

(4) Once the dean or vice president determines the proposed AESPs or revisions are acceptable, they shall be forwarded to the university's representative for review to ensure they are consistent with the mission and goals of the University and comply with this Agreement. If the university's representative determines that the proposed AESPs or revisions thereto are acceptable, they shall be approved. If not, they shall be referred back to the college or division for revision by the department or unit with a written statement of reasons for non-approval.

(5) If, one year after the initiation of the process described in this subsection, AESPs acceptable to the dean/vice president and university's representative have not been approved by the department or unit, draft AESPs, committee and department votes, and comments from employees, committee, and the dean/vice president shall be forwarded to the university's representative for consideration. The university's representative shall, in conjunction with the dean/vice president and department head, and in consideration of the opinions of the employees and of approved AESPs for other departments and units, develop and institute new department or unit AESPs. These AESPs shall remain in place until such time as new AESPs are developed and approved according to the procedure outlined in this subsection.

(6) Approved AESPs and revisions thereto shall be kept on file in the department or unit office. Upon written request, employees in each department or unit shall be provided an electronic copy of that department or unit's current AESPs.

(7) Review of AESPs must occur on a regular basis and must begin no later than five (5) years after the adoption or most recent review of those AESPs. The university's representative, the dean, or a majority of employees in the department or unit may initiate the review of AESPs at any time. The process for reviewing a department or unit's AESPs shall be the same as the process for developing them, as described in this article. The effective date for AESPs or revisions thereto shall be the start of the annual evaluation period that begins after the date the AESPs or revisions are approved by the university's representative and the employees of the department or unit are so informed in writing.

(g) Process for and Sources of Evaluation.

(1) Employee Annual Report. Every year, each employee shall submit to the department chair or unit head (or "evaluator") a report of the employee's performance in each area of assignment. This report shall be due to the evaluator on May 7 of each year. The evaluator, may, at the written request from the employee, provide an extension of up to twenty-one days to submit the annual report. The employee annual report may include any interpretive comments and supporting data that the employee deems appropriate for evaluating the

employee's performance and shall also include an up-to-date and accurate CV. The employee shall submit the report in the format determined by the college.

(2) The evaluator shall also consider, where appropriate and available, information from the following sources: immediate supervisor (if different from the evaluator), peers, students, employee, other university officials who have responsibility for supervision of the employee, and individuals to whom the employee may be responsible in the course of a service assignment, including public school officials when the employee has a service assignment to the public schools. Copies of materials to be used in the evaluation process submitted by persons other than the employee shall be provided to the employee, who may attach a written response within thirty days of receiving that document.

(3) All assigned activities for which an employee receives compensation from the university, including summer assignments, shall be reported upon and evaluated. An employee may report activities related to the areas of assignment that are performed during times when the employee is not compensated by the university; if reported upon, these activities shall be evaluated.

(4) Observation/Visitation. The evaluator or the evaluator's representative may conduct classroom observation/visitation in connection with the employee's evaluation. If such classroom observations/visitations are conducted, no fewer than two observations/visitations shall be completed during the evaluation period.

a. Absent immediate concerns described below, the evaluator shall notify the employee at least two days in advance of the date and time of any direct classroom observation or visitation. If the employee determines this date is not appropriate because of the nature of the scheduled class activities, the employee may suggest a more appropriate date.

b. If the evaluator has received a complaint or other information that gives rise to immediate concerns about the conduct of the class, the evaluator or the evaluator's representative may observe or visit the class at any time without notice to the employee.

c. Observation/visitation of online classroom settings is permitted at any time.

d. A written report of the observation/visitation shall be submitted to the employee, if the employee requests a report, within two weeks of the observation/visitation. If the observation/visitation involves a course that was

assigned to the employee with less than six weeks' notice, such change shall be noted in the report. The employee shall be offered the opportunity to discuss the evaluation with the evaluator prior to its being finalized and placed in the employee's evaluation file and may submit a written reply within thirty days of receipt, which shall be attached to the report.

e. Peer Assessment. An employee has the right to have the evaluator assign a peer to observe/visit the employee's teaching and to have an assessment of that observation/visitation included as part of the employee's annual report. A department or unit may require peer observation/visitation, which shall be carried out in accordance with the requirements of this subsection. In these cases, the peer may be a colleague within the University, a retired colleague, or a colleague in the same discipline from another university.

(5) Written Evaluation.

a. The proposed written annual evaluation shall be provided to the employee by the start of the fall semester. Annual evaluations are not required for employees who have been non-reappointed or whose employment ends before December 31 of the new academic year.

b. The employee shall be offered the opportunity to discuss the evaluation with the evaluator prior to its being finalized and placed in the employee's evaluation file. The evaluation shall be signed and dated by the evaluator and by the employee, to acknowledge receipt of it. The employee may attach a concise comment to the evaluation within thirty days of receipt. A copy of the evaluation shall be provided to the employee.

c. Upon written request from the employee, the evaluator shall endeavor to assist the employee in addressing any performance deficiencies.

10.2 Cumulative Progress Evaluations.

(a) Policy. Tenure earning or tenured employees eligible for consideration for promotion to the rank of associate professor and/or tenure shall be informed annually of their progress toward promotion and/or tenure. Each year's cumulative progress evaluation shall build upon prior cumulative progress evaluations so an employee's progress toward tenure and/or promotion in a given year will be viewed in the context of attainments over the entire tenure and/or promotion earning period. Employees eligible for promotion to professor shall be similarly apprised of their progress toward promotion at least once prior

to submitting their promotion dossier. The cumulative progress evaluations are intended to provide an accurate assessment of cumulative performance as leading to attainment of promotion and/or tenure, and to provide assistance and counseling to candidates to help them qualify themselves for tenure and/or promotion.

(b) Process. All cumulative progress evaluations shall be completed during the spring semester. Beginning with the second year of employment (or the first year, if tenure credit was given) and continuing annually, an employee who is eligible for tenure and/or promotion to the rank of associate professor shall receive a cumulative progress evaluation. Separate cumulative progress evaluations shall be provided by the tenured members of the department or unit (excluding the chair/head and dean), the chair/head, and dean. For cumulative evaluations of progress towards promotion to professor, only tenured professors participate in the employee's evaluation. If the department or unit has fewer than three tenured members or tenured professors, as appropriate, the dean may increase the committee membership to three using tenured members of appropriate rank from other departments or units. If the chair/head of the department or unit does not hold the rank of professor or is not a tenured member of the department/unit, the dean may appoint a tenured faculty member of an appropriate rank from another department/unit to serve in this role for the purpose of completing the cumulative progress evaluations. The employee may request, in writing, a meeting with the chair/head and/or dean to discuss concerns regarding the cumulative progress evaluation.

(c) Criteria.

(1) Progress toward the promotion to the rank of associate professor with tenure will be assessed based on professional performance of teaching, research, and service, and the likelihood of future contributions at or exceeding current levels of performance.

(2) Progress toward tenure for tenure-earning associate professors will be assessed based on the professional performance of teaching, research, and service, and the likelihood of future contributions at or exceeding current levels of performance.

(3) Progress toward tenure for tenure-earning professors will be assessed based on the professional performance of teaching, research, and service, the

achievement of national and/or international prominence, evidence of advancing their field of study, and the likelihood of future contributions at or exceeding current levels of performance.

(4) When requested by the employee, progress toward the rank of professor will be assessed based on the professional performance of teaching, research, and service, the achievement of national and/or international prominence, evidence of advancing their field of study, and the likelihood of future contributions at or exceeding current levels of performance.

10.3 Sustained Performance Evaluations.

(a) Policy. Tenured employees shall receive a sustained performance evaluation at least once every three years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous three years of assigned duties to evaluate continued professional growth and development.

(b) Process.

(1) At the end of three years of tenured or post-promotion service, and each subsequent three year period, or at any time the employee has not maintained productivity expectations, an employee's sustained performance will be evaluated. This evaluation will consist of a review of the overall annual evaluation ratings and productivity during that period of interest. If the employee's overall performance is deemed to be below satisfactory, then the employee shall be issued a performance improvement plan. The average shall be determined by assigning a value of 4 for Outstanding, 3 for Above Satisfactory, 2 for Satisfactory, 1 for Conditional, and 0 for Unsatisfactory to each of the employee's annual evaluation ratings over the appropriate period. If the average value is less than 2.0, the employee's performance shall be deemed below satisfactory.

(2) A performance improvement plan shall be developed by the department chair or unit head in consultation with the employee and aligned with the unit's AESP and shall include specific measurable performance targets with target dates that must be completed in a period of two years. The performance improvement plan requires the approval of the dean and the university's representative.

(3) When an employee has a performance improvement plan, the department chair or unit head shall provide an annual evaluation of the

employee's performance on the plan. Adherence to the performance improvement plan, including its targets and target deadlines, shall be the governing criteria for performance improvement plan evaluations.

(4) It is the responsibility of the employee to attain the performance targets specified in the performance improvement plan. Lack of success may result in dismissal. The employee may attach a concise response to the sustained performance evaluation, the performance improvement plan, and annual evaluations of performance on the sustained performance plan. Any such responses shall be included in the evaluation file.

10.4 Proficiency in Spoken English.

(a) Requirement. Employees must, to be involved in classroom instruction beyond one (1) semester, establish proficiency in the oral use of English, as set forth in Section 1012.93, Florida Statutes, and any applicable Board of Education or Board of Governors rule or resolution.

(b) Deficiency. Failure to correct the deficiencies may result in termination.

10.5 Employee Assistance Programs. Neither the fact of an employee's participation in an employee assistance program nor information generated by participation in the program shall be used as evidence of a performance deficiency within the evaluation processes described in this Article, except for information relating to an employee's failure to participate in an employee assistance program consistent with the terms to which the employee and the university's representative have agreed.

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 procedure. If written comments from students in a course are included in the evaluation file, all comments obtained in the same course must be included.

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

11.7 Removal of Contents. Materials shown to be contrary to fact shall be removed from the file within three business days. 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 resolution of a grievance.

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

(a) 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 Perception of Instruction ("SPOI") form, which have been selected as such by the University and made available to the public on a regular basis.

(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.