

1 **ARTICLE 10**

2 *EMPLOYEE PERFORMANCE EVALUATIONS*

3 **10.1 Annual Evaluations.** Performance evaluations are primarily intended to
4 communicate to an employee an assessment of that employee’s performance of
5 assigned duties by providing constructive written feedback. The annual evaluation
6 shall be based upon the performance of professional assigned duties and
7 expertise and shall consider the nature of the assignments and quality of the
8 performance. In cases of atypical assignments (such as a sabbatical), the
9 supervisor may adapt the assessment of an employee’s performance to reflect
10 that assignment. Evaluations may be considered in employment-related decisions
11 such as salary, retention, assignments, awards, tenure, and promotion.

12 **(a) Annual Evaluation Period.** The annual evaluation period shall begin May 8
13 and end at the close of the following Spring semester, on May 7 of the following
14 year. Each employee’s performance shall be evaluated in writing by an
15 appropriate administrator at least once annually.

16 **(b) Employee Annual Report.** Every year, each employee shall submit to the
17 department chair or unit head (or “evaluator”) a report of the employee’s
18 performance in each area of assignment. This report shall be due to the evaluator
19 by May 7 of each year. The evaluator, may, at the written request from the
20 employee, provide an extension of up to twenty-one days to submit the annual
21 report. The employee’s annual report may include any interpretive comments and
22 supporting data that the employee deems appropriate for evaluating the
23 employee’s performance and shall also include an up-to-date and accurate CV.
24 The employee shall submit the report in the format determined by the college.
25 Failure to provide the complete annual report by these deadlines may result in
26 the evaluator finalizing the annual evaluation based only on the information
27 available to the evaluator.

28 **(c) Evaluation Ratings.** Evaluations shall use the rating categories of
29 Outstanding, Above Satisfactory, Satisfactory, Conditional, and Unsatisfactory in
30 each area of assignment and for the overall evaluation.

31 **(d) Overall evaluation.** The overall evaluation shall be consistent with the
32 employee’s annual assignment, the evaluations in each assignment area, and the
33 department or unit’s Annual Evaluation Standards and Procedures. An employee

34 shall not be evaluated in, and the overall evaluation shall not be affected by, an
35 area in which the employee had no assignment. An employee must receive a
36 minimum rating of Satisfactory in each area with assigned effort of five percent
37 (5%) or more in order to receive an overall rating of Satisfactory or above.

38 **(e) Issuance of Annual Evaluation.** The proposed written annual evaluation shall
39 be provided to the employee by August 8 of each year. Annual evaluations are not
40 required for employees who have been non-reappointed or whose employment
41 will end before December 31 of the new academic year. An employee who was
42 not assigned to work for the university during the evaluation period shall receive
43 a default overall evaluation of Satisfactory. (For example, a 9-month employee
44 who was not provided an assignment during the summer, followed by a paid or
45 unpaid leave for the academic year would receive a default evaluation of
46 Satisfactory.)

47 The employee shall be offered the opportunity to discuss the evaluation with
48 the evaluator prior to its being finalized and placed in the employee's evaluation
49 file. The evaluation shall be signed and dated by the evaluator, and the employee
50 must acknowledge receipt of it. The employee may attach a concise comment to
51 the evaluation within thirty days of receipt. A copy of the complete, finalized
52 evaluation shall be provided to the employee. Upon written request from the
53 employee, the evaluator shall endeavor to assist the employee in addressing any
54 performance deficiencies. Evaluations not acknowledged by the employee shall
55 be finalized 30 days after issuance.

56 **10.2 Sources of Annual Evaluation.** All assigned activities for which an employee
57 receives compensation from the university, including summer assignments, shall
58 be reported upon and evaluated. An employee may report activities related to the
59 areas of assignment that are performed when the employee is not compensated
60 by the university; if reported upon, these activities shall be evaluated.

61 The evaluator considers information from various sources: immediate
62 supervisor (if different from the evaluator); peers; students; employees; other
63 university officials who have responsibility for supervision of, or business-related
64 interaction with, the employee; and individuals to whom the employee may be
65 responsible in the course of a service assignment, including public school officials
66 when the employee has a service assignment to the public schools. The
67 information provided by these other sources is not based upon a review of the

68 employee's annual report, but is regarded as feedback on the employee's
69 performance. Copies of materials to be used in the evaluation process submitted
70 by persons other than the employee shall be provided to the employee, who may
71 attach a written response within thirty days of receiving that document.

72 The evaluator shall consider the quality and productivity of an employee's
73 professional performance in the following categories:

74 **(a) Teaching effectiveness (Instruction & Advisement).** Teaching effectiveness
75 includes success in imparting knowledge, information, and ideas by means or
76 methods such as lecture, discussion, assignment and recitation, demonstration,
77 laboratory exercise, workshop and practical experience, assessment of and
78 engagement with student work, and direct consultation with students. Student
79 Perceptions of Instruction may not be the sole method of gauging employee
80 teaching effectiveness. The evaluator shall consider all available information in
81 forming an assessment of teaching effectiveness. Examples of this information
82 includes:

83 1. Consideration of effectiveness in stimulating students' critical thinking
84 and/or creative abilities, the development or revision of curriculum and course
85 structure, effective assessment of student performance, and adherence to
86 accepted standards of professional behavior in meeting responsibilities to
87 students. The learning objectives of each course, the means of assessing learning
88 objectives, and the outcomes of the assessment should be considered as part of
89 the teaching performance.

90 2. Consideration of other assigned university teaching duties, such as
91 advising, counseling, supervision, or duties of the position held by the employee.

92 3. Any relevant materials submitted by the employee such as class notes,
93 syllabi, student exams and assignments, an employee's teaching portfolio, results
94 of peer evaluations of teaching, and any other materials relevant to the
95 employee's instructional assignment.

96 **(b) Research/Creative Activity.** Contribution to the discovery of new knowledge,
97 development of new educational techniques, and other forms of
98 research/scholarship/creative activity. Examples of this information includes:

99 1. Evidence of research/scholarship/creative activity, either print or
100 electronic, shall include, but not be limited to, as appropriate, published books;
101 chapters in books; articles and papers in professional journals; musical

102 compositions, paintings, sculpture; works of performing art; papers presented at
103 meetings of professional societies; funded grant activities; reviews; and research
104 and creative activity that has not yet resulted in publication, funding, display, or
105 performance.

106 2. Consideration of the quality and productivity of the employee's
107 research/scholarship and other creative programs and contributions during the
108 evaluation period, and recognition by the academic or professional community of
109 what has been accomplished.

110 **(c) Service and Performance of assigned professional duties.** Service and/or
111 professional development work may be assigned to employees. Examples of this
112 information includes:

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

118 2. University Service. Service within the university and participation in the
119 governance processes of the institution through significant service on
120 committees, councils, and senates, attendance at commencement, and the
121 employee's contributions to the governance of the institution through active
122 participation in regular departmental and/or college meetings.

123 3. Professional Development as assigned, including goals for the annual
124 evaluation period, if agreed upon.

125 **(d) Other assigned university duties,** such as academic administration.

126 **(e)** Service for UFF activities is not considered university service and shall not
127 be evaluated.

128 **10.2 Process for collecting evaluative information through observation or peer**
129 **assessment.**

130 **(a) Planned Classroom Observation/Visitation.** The evaluator or the evaluator's
131 representative may conduct classroom observations/visitations in connection
132 with the employee's evaluation. If such classroom observations/visitations are to
133 be used in the annual evaluation, no fewer than two observations/visitations shall
134 be completed during the evaluation period.

135 1. Absent immediate concerns, the evaluator shall notify the employee at
136 least two days in advance of the date and time of any direct classroom
137 observation or visitation. If the employee determines this date is not appropriate
138 because of the nature of the scheduled class activities, the employee may suggest
139 a more appropriate date. If the evaluator has received a complaint or other
140 information that gives rise to immediate concerns about the conduct of the class,
141 the evaluator or the evaluator's representative may observe or visit the class at
142 any time without notice to the employee.

143 2. Observation/visitation of online classroom settings is permitted at any
144 time.

145 3. A written summary of the observation/visitation shall be submitted to
146 the employee within two weeks of the observation/visitation. If the
147 observation/visitation involves a course that was assigned to the employee with
148 less than six weeks' notice, the date of notice shall be included. The employee
149 shall be offered the opportunity to discuss the summary with the evaluator prior
150 to its being finalized and placed in the employee's evaluation file; the employee
151 may submit a written reply within thirty days of receipt, which shall be attached
152 to the summary.

153 4. Peer Assessment. An employee has the right to have the evaluator
154 assign a peer to observe/visit the employee's teaching and to have an assessment
155 of that observation/visitation included as part of the employee's annual report. A
156 department or unit may require peer observation/visitation. In these cases, the
157 peer may be a colleague within the University, a retired colleague, or a colleague
158 in the same discipline from another university.

159 **10.3 Required Proficiency in Spoken English.** To be involved in classroom
160 instruction beyond one (1) semester, employees must establish proficiency in the
161 oral use of English, as set forth in Section 1012.93, Florida Statutes, and any
162 applicable Board of Education or Board of Governors rule or resolution.
163 Uncorrected deficiencies may result in termination.

164 **10.4 Employee Assistance Programs.** An employee's participation in an employee
165 assistance program or information generated by participation in the program shall
166 not be used as evidence of a performance deficiency within the evaluation
167 processes described in this Article. However, if an employee fails to participate in

168 an employee assistance program consistent with a prior agreement between the
169 employee and the supervisor, that information may be included in the evaluation.

170 **10.5 Cumulative Progress Evaluations (CPE).** Cumulative progress evaluations
171 are intended to provide an accurate consideration of cumulative performance
172 leading to attainment of tenure and/or promotion, and to provide assistance and
173 counseling to candidates to help them qualify themselves for tenure and/or
174 promotion. For those seeking tenure, CPEs focus only on the tenure-earning
175 period. For consideration of promotion only, the quality and productivity of an
176 employee's body of work is assessed, including recognition by the academic or
177 professional community of what the employee has accomplished.

178 **(a) Assessment of progress towards tenure/promotion.**

179 1. Cumulative progress toward **promotion to the rank of associate**
180 **professor** will be assessed annually based on professional performance of
181 teaching, research, and service, and the likelihood of future contributions at or
182 exceeding current levels of performance. **Associate professors** who request a CPE
183 **for promotion** will also be assessed on the achievement of national and/or
184 international prominence and evidence of advancing their field of study.

185 2. Cumulative progress toward **tenure for tenure-eligible employees** will
186 be assessed annually. These CPEs will be based on the cumulative impact of the
187 professional performance of teaching, research, and service, and the likelihood of
188 future contributions at or exceeding current levels of performance. **Tenure**
189 **eligible employees seeking tenure** will also be assessed on the achievement of
190 national and/or international prominence and evidence of advancing their field of
191 study.

192 **(b) CPE Eligibility. Tenure-eligible employees** shall be informed annually of their
193 progress toward promotion and/or tenure. Each year's cumulative progress
194 evaluation shall build upon prior cumulative progress evaluations, so an
195 employee's progress toward tenure and/or promotion in a given year will be
196 viewed in the context of attainments over the entire tenure and/or promotion
197 earning period. Tenured employees eligible for **promotion to professor** may, at
198 their option and upon written request, be apprised of their progress toward
199 promotion through the CPE process.

200 **(c) CPE Progression.** Beginning with the second year of employment (or the first
201 year, if tenure credit was given) and continuing annually, an employee who is
202 eligible for **tenure** shall receive a cumulative progress evaluation. Separate
203 cumulative progress evaluations shall be provided by the tenured members of the
204 department or unit (excluding the chair/head and dean), the chair/head, and
205 dean. All cumulative progress evaluations shall be completed during the spring
206 semester. An employee may request, in writing within 30 days of its receipt, a
207 meeting with the chair/head and/or dean to discuss concerns regarding the
208 cumulative progress evaluation.

209 **(d) CPE Process.** Barring a conflict of interest leading to recusal, all tenured
210 faculty in the unit are expected to participate in the evaluation of an employee's
211 CPE materials. However, associate professors shall not participate in cumulative
212 evaluations of progress for an individual being considered for **promotion to**
213 **professor**. If the department or unit has fewer than three tenured members or
214 tenured professors, as appropriate, to evaluate the tenure/promotion of an
215 individual in the unit, the dean may increase the committee membership to three
216 using tenured members of appropriate rank from other departments or units. If
217 the chair/head of the department or unit does not hold the rank of professor, or
218 is not a tenured member of the department/unit, the dean may appoint a
219 tenured faculty member of an appropriate rank from another department/unit to
220 serve in this role for the purpose of completing the cumulative progress
221 evaluations.

222 **10.6 Post Tenure Review (PTR) Procedures.** Florida Board of Governors (FLBOG)
223 Regulation 10.003 and Section 1001.706 (6)(b), Florida Statutes, together, require
224 that each tenured faculty member at a state university undergo a comprehensive
225 post tenure review every five years, and further provide certain content that is
226 required to be included in the post tenure review process. This Article 10.6 sets
227 forth a post tenure review process in accordance with the current requirements
228 of FLBOG Regulation 10.003 and Section 100.706(6)(b). If either FLBOG Regulation
229 10.003 or Section 1001.706 (6)(b), Florida Statutes, is amended or overturned so
230 that the requirements for post tenure review process for tenured faculty
231 members at a state university are modified or nullified, upon notification by
232 either Party, the Parties to this Agreement shall open negotiations on all articles
233 in this agreement that pertain to post tenure review.

234 **(a) Timing.** Each tenured faculty member will have a comprehensive post-
235 tenure review of five years of performance in the fifth year following the last
236 promotion or the last comprehensive post-tenure review, whichever is later. For
237 faculty hired with tenure, the hire date will constitute the date of the last
238 promotion. Necessarily, there is a five-year period of phasing-in the post-tenure
239 review process.

240 **(b) Participation.** All tenured faculty members are required to participate every
241 five years, except those that are already participating in the transition-to-
242 retirement program (T2RP), and faculty with an irrevocable resignation date
243 within the same academic year as the review. Another exception includes faculty
244 approved for more than 160 hours of authorized leave during one semester
245 within the five-year period of review.

246
247 **(c) Review Requirements.** The PTR will assess the faculty member's
248 performance in assigned teaching, research/creative work, service, and other
249 responsibilities for sustained contributions in the previous five years. Utilizing the
250 criteria relevant to the faculty member, the PTR is expected to rate the:

251 1. Level of accomplishment and productivity relative to assigned duties in
252 research and creative activities, teaching, and service, and other assigned
253 responsibilities, including clinical and administrative assignments.

254 2. Documentation of discipline regarding professional conduct (positive
255 and negative) (inclusive of the review requirements in BOG Regulation 10.003)
256 and performance of academic responsibilities to the university and its students.
257 Disciplinary letters/actions issued during the period under review and completely
258 overturned through the grievance process shall not be included in the employee's
259 Post Tenure Review packet. However, for example, a disciplinary letter/action
260 issued during the period under review and lessened in some way, but not
261 rescinded in full through the grievance process shall be included in the
262 employee's Post Tenure Review packet.

263 **(d) Performance Rating Categories.** The rating categories shall be: Exceeds
264 expectations, Meets expectations, Does not meet expectations, and
265 Unsatisfactory.

266 **(e) Considerations for Determining Performance Rating.**

267 1. In conducting Post Tenure Review, the university shall not consider or
268 otherwise discriminate based on faculty members' political or ideological
269 viewpoints.

270 2. Because of the variety of academic disciplines in the university and the
271 differences in the nature of the work tenured faculty do across disciplines, the
272 relevant evidence in support of Post Tenure Review ratings will vary across
273 academic disciplines. Considerations by Deans and the Provost shall include
274 documented performance in the areas of research (including creative activities,
275 where appropriate), teaching, service, and other assigned duties; the criteria used
276 by academic units, the college, and the university to evaluate the performance of
277 faculty for promotion and tenure; and the criteria used by academic units for
278 annual evaluations of faculty.

279 **(f) Process Requirements.** Materials will include complete, current, and
280 accurate materials that highlight accomplishments and demonstrates
281 performance relative to assigned duties over the evaluation period. Dossiers must
282 be submitted in an approved format by the employee in time to meet published
283 deadlines. If, by the expiration of the submission deadline, a section is not
284 provided, the evaluator may make a decision based on the available information,
285 which may result in a final performance rating of "Unsatisfactory."

286 **(g) Outcomes.** Employees will receive a communication regarding their final
287 performance rating.

288 1. Exceeds expectations

289 2. Meets expectations

290 3. Does not meet expectations: The employee must be issued a
291 Performance Improvement Plan.

292 4. Unsatisfactory: Employee will receive notice of intent that the university
293 will proceed with termination pursuant to terms in this agreement.

294 **10.7 Sustained Performance Evaluations (SPE).** If a tenured employee has
295 received a less than "satisfactory" evaluation in two consecutive annual
296 evaluations, this employee may be issued a performance improvement plan (PIP)
297 if the employee's next Post Tenure Review is not due for more than one year.

298 **10.8 Performance Improvement Plan (PIP).** An employee whose PTR or SPE
299 evaluation fails to meet performance expectations will be issued a performance
300 improvement plan.

301 **(a) PIP Creation.** The appropriate college dean, in consultation with the faculty
302 member's unit head, and with any information provided by the faculty member,
303 will propose a performance improvement plan to the provost or designee. The
304 provost or designee will make final decisions regarding the requirements of each
305 performance improvement plan.

306 **(b) PIP Composition.** The PIP document shall include specific measurable
307 performance goals with target dates for the faculty member to achieve the
308 requirements of the PIP. The final deadline may not extend more than 12 months
309 past the date the faculty member receives the PIP. The plan must list specific
310 deficiencies and outline the activities to be undertaken to achieve the necessary
311 outcomes, set timelines for achieving goals and outcomes, and indicate the
312 criteria for assessment.

313 **(c) Termination of PIP.** Each tenured faculty member who fails to meet the
314 requirements of a PIP by the established deadline(s) will be notified by the
315 Provost of their pending termination for just cause. Successful completion of the
316 PIP results in continued employment as a tenured employee.

317 **10.9 Annual Evaluation Standards and Procedures (AESPs).** Each University
318 department or unit shall maintain written AESPs to serve as guidelines on how to
319 evaluate the quality of each employee's performance. AESPs provide clarifications
320 of the University criteria in terms tailored to the department or unit's
321 discipline(s), employee positions (e.g., tenured or tenure earning, non-tenure-
322 earning, library faculty), and assigned duties. The AESP must be rigorous enough
323 to allow for stratification of merit within the department. The evaluation period
324 for research may be longer than one year, if specified, to distinguish between
325 ratings of Conditional and Unsatisfactory in any area of assignment.

326 These discipline-specific clarifications shall:

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

329 (b) be adaptable to various assignments, given that the supervisor has the
330 ability to utilize discretion when the assigned duties for the employee are atypical
331 for the evaluation period (e.g. the employee has a sabbatical, has a course
332 release, or has been on sick or military leave for an extended period of time). A
333 supervisor is not limited by the AESP when making an assignment, but has

334 flexibility to adapt the evaluation to the effort and quality of the resulting
335 product.

336 (c) account for differences in assigned duties between tenured/tenure-earning
337 employees and non-tenure-earning employees such as instructors/lecturers.

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

341 (e) be rigorous and detailed enough that a reasonable employee should not be
342 uncertain or confused about what performance or accomplishment is sufficient in
343 teaching, research/scholarship/creative activity, professional duties commonly
344 assigned in the department or unit, and quality of service output needed to earn
345 each performance evaluation rating.

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

353

354 10.10 AESP Development Process.

355 (a) A committee of six members, including four in-unit members of the
356 department/unit elected by a majority vote of employees of the dept/unit in a
357 secret ballot, the department chair or unit head, and one representative
358 appointed by the dean will develop or revise AESPs. If the dept/unit has four or
359 more tenured employees, then 2 of the elected members must have tenure.

360 (b) Employees in the department or unit shall propose AESPs or changes
361 thereto as developed by the committee by a majority vote in a secret ballot. If a
362 majority exists, the proposed AESPs shall be forwarded to the dean or the
363 appropriate vice president. If there is an even split vote, the dean shall act as the
364 tie-breaker.

365 (c) The proposed AESPs or revisions thereto shall be reviewed by the dean or
366 vice president. If the dean/vice president determines the proposed AESPs do not
367 meet their expectations, the dean/vice president will refer them back to the

368 department or unit for revision with a written statement of the reasons for non-
369 acceptance.

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

377 (e) The process is considered initiated after the AESP committee is formed.. If,
378 at least one year after the initiation of the process described in this subsection,
379 AESPs acceptable to the dean/vice president and university's representative have
380 not been approved by the department or unit, draft AESPs, committee and
381 department votes, and comments from employees, committee, and the dean/vice
382 president shall be forwarded to the university's representative for consideration.
383 The university's representative shall, in conjunction with the dean/vice president
384 and department/unit head, and in consideration of the opinions of the employees
385 and of approved AESPs for other departments and units, develop and institute
386 new department or unit AESPs. These AESPs shall remain in place until such time
387 as new AESPs are developed and approved according to the procedure outlined in
388 this subsection.

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

393 (g) Review of AESPs must occur on a regular basis and must begin no later than
394 five (5) years after the adoption or most recent review of those AESPs. The
395 university's representative, the dean, or a majority of employees in the
396 department or unit may initiate the review of AESPs at any time. The process for
397 reviewing a department or unit's AESPs shall be the same as the process for
398 developing them (including the committee composition, timeline, and approval
399 process), as described in this article.

400 (h)The effective date for AESPs or revisions thereto shall be the start of the
401 annual evaluation period that begins after the date the AESPs or revisions are
402 approved by the university's representative and the employees of the department
403 or unit are so informed in writing. Therefore, an employee will be evaluated on
404 the AESP that was approved and in effect beginning on May 8. If an AESP is
405 approved on or after May 9, the employee would not be subject to or evaluated
406 using the terms of the new AESP until the following May 8.