

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

**Commented [CP1]:** 10/2: BOT accepted changes that were not disputed so the teams may focus on the remaining 4 items.

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.

**Commented [CP2]:** UFF proposes language addition here: Should any of these regulations or statutes be found to be invalid or unenforceable by the final decision of a tribunal of competent jurisdiction or are rendered invalid by reason of subsequently enacted legislation or regulation, the University agrees to return to the Sustained Performance Evaluation procedures described in the 2021-2024 Collective Bargaining Agreement. The BOT recognizes Article 29. Language not needed.

**Commented [CR3R2]:** If any of this language becomes invalid or unenforceable, both sides should return to the table. There is no certainty that 2021-2024 language will still be usable, especially if there is subsequent legislation or regulation to consider.

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 **(c) Review Requirements.** The PTR will assess the faculty member’s  
 247 performance in assigned teaching, research/creative work, service, and other  
 248 responsibilities for sustained contributions in the previous five years. Utilizing the  
 249 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 Complete, up-to-date documented  
 255 regarding History of professional conduct (positive and negative) (inclusive of the  
 256 review requirements in BOG Regulation 10.003) and performance of academic  
 257 responsibilities to the university and its students. Disciplinary letters/actions  
 258 issued during the period under review and completely overturned through the  
 259 grievance process shall not be included in the employee’s Post Tenure Review  
 260 packet. However, for example, a disciplinary letter/action issued during the  
 261 period under review and lessened in some way, but not rescinded in full, through  
 262 the grievance process shall be included in the employee’s Post Tenure Review  
 263 packet.

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

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

**Commented [CP4]:** UFF proposed “No part of an employee’s successful grievance shall be in consideration in Post Tenure Review.” This proposed language is unclear, BOT understands concern and addresses with proposed language.

**Commented [CR5R4]:** Suggestion: Complete, up-to-date documentation of disciplinary matters is to be included.

**Commented [CP6]:** UFF Proposed language to be entered here: (e) **Criteria for determining performance rating**  
 1. In conducting Post-Tenure Review, the University shall not consider or otherwise discriminate based on a faculty member’s political, or ideological view, or properly disclosed, and approved outside activities or field of study. The Post-Tenure Review shall abide by Article 5 Academic Freedom and Article 6 Nondiscrimination of the CBA.

2. **Criteria for Post-Tenure Review Ratings.** Because of the variety of academic disciplines in the university and the differences in the nature of the work tenured faculty do across disciplines, the relevant evidence in support of PTR ratings will vary across academic disciplines. The criteria shall consider research, teaching and service. Deans and the Provost must take into consideration the criteria used by academic units to evaluate the performance of faculty for annual evaluations.

**Commented [CP7R6]:** Point 1 is covered by the CBA already, no addition needed. Point 2, Deans and Provost routinely make decisions in disciplines that vary. BOT declines to add proposed language.



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

271 1.2. Because of the variety of academic disciplines in the university and  
272 the differences in the nature of the work tenured faculty do across disciplines, the  
273 relevant evidence in support of Post Tenure Review ratings will vary across  
274 academic disciplines. Considerations by Deans and the Provost shall include  
275 documented performance in the areas of research (including creative activities,  
276 where appropriate), teaching, service, and other assigned duties; the criteria used  
277 by academic units, the college, and the university to evaluate the performance of  
278 faculty for promotion and tenure; and the criteria used by academic units for  
279 annual evaluations of faculty.

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

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

- 289 1. Exceeds expectations
- 290 2. Meets expectations
- 291 3. Does not meet expectations: The employee must be issued a

292 Performance Improvement Plan.

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

295 10.7 Sustained Performance Evaluations (SPE). If a supervisor determines that a  
296 tenured employee has received an "unsatisfactory" in two consecutive annual  
297 evaluations, this employee would be not maintained productivity expectations  
298 over the most recent two terms, an employee's sustained performance may be  
299 evaluated. This evaluation will consist of a review of relevant materials, including  
300 their assignments, annual evaluation ratings, and productivity and  
301 professionalism during that period of interest. If the employee's overall  
302 performance is deemed to be below satisfactory, then the employee may shall be

303 issued a performance improvement plan if the employee's next Post Tenure  
304 Review is not due for more than one year.

**Commented [CR8]:** Timely remediation is possible.

305 **10.8 Performance Improvement Plan (PIP).** An employee whose PTR or SPE  
306 evaluation fails to meet performance expectations will be issued a performance  
307 improvement plan.

**Commented [CP9]:** UFF Proposed deleting. BOT proposal retains language to provide a vehicle to assist underperforming faculty.

**Commented [CP10]:** UFF objects to retaining SPE in section 10.7 above. BOT wishes to retain to continue to provide PIPs for struggling tenured faculty.

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

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

**Commented [CP11]:** UFF proposes adding the word "achievable" which would move it from in front of "the requirements of the PIP" and place it in front of target dates. BOT declines to make this change.

**Commented [CR12R11]:** Requirements that include goals and target dates are what are to be achieved.

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

**Commented [CP13]:** UFF Proposes adding after assessment: "At the end of the 12 months, the faculty member will provide a written assessment of their meeting of the goals and outcomes from the PIP." This is an additional burden on the in-unit faculty member. What value will the written assessment provide?

**Commented [CR14R13]:** "May" provide instead? I think it is ok for the employee to provide a brief narrative on what was accomplished during PIP without imposing an obligation on the employee.

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

**Commented [CP15R14]:** If the UFF wants to ensure that faculty have the option to provide a written assessment if they complete the 12-month PIP, the BOT can agree to "The faculty member may provide a written assessment of PIP goals and outcomes upon completion of the PIP."

333 These discipline-specific clarifications shall:

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

336 (b) be adaptable to various assignments, given that the supervisor has the  
337 ability to utilize discretion when the assigned duties for the employee are atypical  
338 for the evaluation period (e.g. the employee has a sabbatical, has a course  
339 release, or has been on sick or military leave for an extended period of time). A  
340 supervisor is not limited by the AESP when making an assignment, but has  
341 flexibility to adapt the evaluation to the effort and quality of the resulting  
342 product.

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

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

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

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

360

#### 361 10.10 AESP Development Process.

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

367 (b) Employees in the department or unit shall propose AESPs or changes  
368 thereto as developed by the committee by a majority vote in a secret ballot. If a  
369 majority exists, the proposed AESPs shall be forwarded to the dean or the

370 appropriate vice president. If there is an even split vote, the dean shall act as the  
371 tie-breaker.

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

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

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

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

400 (g) Review of AESPs must occur on a regular basis and must begin no later than  
401 five (5) years after the adoption or most recent review of those AESPs. The  
402 university's representative, the dean, or a majority of employees in the  
403 department or unit may initiate the review of AESPs at any time. The process for  
404 reviewing a department or unit's AESPs shall be the same as the process for

405 developing them (including the committee composition, timeline, and approval  
406 process), as described in this article.

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