

## 1 ARTICLE 10

### 2 EMPLOYEE PERFORMANCE EVALUATIONS

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

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

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

22 (c) Evaluation Ratings. Evaluations shall use the rating categories of Outstanding, Above  
23 Satisfactory, Satisfactory, Conditional, and Unsatisfactory in each area of assignment and for the overall  
24 evaluation.

25 (d) Overall evaluation. The overall evaluation shall be consistent with the employee's annual  
26 assignment, the evaluations in each assignment area, and the department or unit's Annual Evaluation  
27 Standards and Procedures. An employee shall not be evaluated in, and the overall evaluation shall not  
28 be affected by, an area in which the employee had no assignment. An employee must receive a  
29 minimum rating of Satisfactory in each area with assigned effort of five percent (5%) or more in order to  
30 receive an overall rating of Satisfactory or above.

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

38 The employee shall be offered the opportunity to discuss the evaluation with the evaluator prior to  
39 its being finalized and placed in the employee's evaluation file. The evaluation shall be signed and dated  
40 by the evaluator, and the employee must acknowledge receipt of it. The employee may attach a concise  
41 comment to the evaluation within thirty days of receipt. A copy of the complete, finalized evaluation  
42 shall be provided to the employee. Upon written request from the employee, the evaluator shall

43 endeavor to assist the employee in addressing any performance deficiencies. Evaluations not  
44 acknowledged by the employee shall be finalized 30 days after issuance.

45 **10.2 Sources of Annual Evaluation.** All assigned activities for which an employee receives  
46 compensation from the university, including summer assignments, shall be reported upon and  
47 evaluated. An employee may report activities related to the areas of assignment that are performed  
48 when the employee is not compensated by the university; if reported upon, these activities shall be  
49 evaluated.

50 The evaluator considers information from various sources: immediate supervisor (if different from  
51 the evaluator); peers; students; employees; other university officials who have responsibility for  
52 supervision of, or business-related interaction with, the employee; and individuals to whom the  
53 employee may be responsible in the course of a service assignment, including public school officials  
54 when the employee has a service assignment to the public schools. The information provided by these  
55 other sources is not based upon a review of the employee's annual report, but is regarded as feedback  
56 on the employee's performance. Copies of materials to be used in the evaluation process submitted by  
57 persons other than the employee shall be provided to the employee, who may attach a written  
58 response within thirty days of receiving that document.

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

61 (a) Teaching effectiveness (Instruction & Advisement). Teaching effectiveness includes success in  
62 imparting knowledge, information, and ideas by means or methods such as lecture, discussion,  
63 assignment and recitation, demonstration, laboratory exercise, workshop and practical experience,  
64 assessment of and engagement with student work, and direct consultation with students. Student  
65 Perceptions of Instruction may not be the sole method of gauging employee teaching effectiveness. The  
66 evaluator shall consider all available information in forming an assessment of teaching effectiveness.  
67 Examples of this information includes:

68 1. Consideration of effectiveness in stimulating students' critical thinking and/or creative  
69 abilities, the development or revision of curriculum and course structure, effective assessment of  
70 student performance, and adherence to accepted standards of professional behavior in meeting  
71 responsibilities to students. The learning objectives of each course, the means of assessing learning  
72 objectives, and the outcomes of the assessment should be considered as part of the teaching  
73 performance.

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

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

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

82 1. Evidence of research/scholarship/creative activity, either print or electronic, shall include,  
83 but not be limited to, as appropriate, published books; chapters in books; articles and papers in  
84 professional journals; musical compositions, paintings, sculpture; works of performing art; papers

85 presented at meetings of professional societies; funded grant activities; reviews; and research and  
86 creative activity that has not yet resulted in publication, funding, display, or performance.

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

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

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

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

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

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

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

### 104 10.3 [Process for collecting evaluative information through observation or peer assessment.](#)

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

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

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

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

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

127 **10.4 Required Proficiency in Spoken English.** To be involved in classroom instruction beyond one (1)  
128 semester, employees must establish proficiency in the oral use of English, as set forth in Section  
129 1012.93, Florida Statutes, and any applicable Board of Education or Board of Governors rule or  
130 resolution. Uncorrected deficiencies may result in termination.

131 **10.5 Employee Assistance Programs.** An employee's participation in an employee assistance program  
132 or information generated by participation in the program shall not be used as evidence of a  
133 performance deficiency within the evaluation processes described in this Article. However, if an  
134 employee fails to participate in an employee assistance program consistent with a prior agreement  
135 between the employee and the supervisor, that information may be included in the evaluation.

136 **10.6 Cumulative Progress Evaluations (CPE).** Cumulative progress evaluations are intended to provide  
137 an accurate consideration of cumulative performance leading to attainment of tenure and/or  
138 promotion, and to provide assistance and counseling to candidates to help them qualify themselves for  
139 tenure and/or promotion. For those seeking tenure, CPEs focus only on the tenure-earning period. For  
140 consideration of promotion only, the quality and productivity of an employee's body of work is assessed,  
141 including recognition by the academic or professional community of what the employee has  
142 accomplished.

143 (a) Assessment of progress towards tenure/promotion.

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

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

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

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

167 (d) CPE Process. Barring a conflict of interest leading to recusal, all tenured faculty in the unit are  
168 expected to participate in the evaluation of an employee's CPE materials. However, associate professors  
169 shall not participate in cumulative evaluations of progress for an individual being considered for  
170 **promotion to professor**. If the department or unit has fewer than three tenured members or tenured

171 professors, as appropriate, to evaluate the tenure/promotion of an individual in the unit, the dean may  
172 increase the committee membership to three using tenured members of appropriate rank from other  
173 departments or units. If the chair/head of the department or unit does not hold the rank of professor, or  
174 is not a tenured member of the department/unit, the dean may appoint a tenured faculty member of an  
175 appropriate rank from another department/unit to serve in this role for the purpose of completing the  
176 cumulative progress evaluations.

177 **10.7 Post Tenure Review (PTR) Procedures.** Florida Board of Governors (FLBOG) Regulation 10.003  
178 and Section 1001.706 (6)(b), Florida Statutes, together, require that each tenured faculty member at a  
179 state university undergo a comprehensive post tenure review every five years, and further provide  
180 certain content that is required to be included in the post tenure review process. This Article sets forth a  
181 post tenure review process in accordance with the current requirements of FLBOG Regulation 10.003  
182 and Section 100.706(6)(b). If either FLBOG Regulation 10.003 or Section 1001.706 (6)(b), Florida  
183 Statutes, is amended or overturned so that the requirements for post tenure review process for tenured  
184 faculty members at a state university are modified or nullified, upon notification by either Party, the  
185 Parties to this Agreement shall open negotiations on all articles in this agreement that pertain to post  
186 tenure review.

187 (a) Timing. Each tenured faculty member will have a comprehensive post-tenure review of five  
188 years of performance in the fifth year following the last promotion or the last comprehensive post-  
189 tenure review, whichever is later. For faculty hired with tenure, the hire date will constitute the date of  
190 the last promotion. Necessarily, there is a five-year period of phasing-in the post-tenure review process.

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

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

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

202 Documentation of discipline regarding professional conduct (positive and negative) (inclusive of the  
203 review requirements in BOG Regulation 10.003) and performance of academic responsibilities to the  
204 university and its students. Disciplinary letters/actions issued during the period under review and  
205 completely overturned through the grievance process shall not be included in the employee's Post  
206 Tenure Review packet. However, for example, a disciplinary letter/action issued during the period under  
207 review and lessened in some way, but not rescinded in full through the grievance process shall be  
208 included in the employee's Post Tenure Review packet.

209 (d) Performance Rating Categories. The rating categories shall be: Exceeds expectations, Meets  
210 expectations, Does not meet expectations, and Unsatisfactory.

211 (e) Considerations for Determining Performance Rating.

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

214 2. Because of the variety of academic disciplines in the university and the differences in the  
215 nature of the work tenured faculty do across disciplines, the relevant evidence in support of Post Tenure  
216 Review ratings will vary across academic disciplines. Considerations by Deans and the Provost shall  
217 include documented performance in the areas of research (including creative activities, where  
218 appropriate), teaching, service, and other assigned duties; the criteria used by academic units, the  
219 college, and the university to evaluate the performance of faculty for promotion and tenure; and the  
220 criteria used by academic units for annual evaluations of faculty.

221 (f) Process Requirements. Materials will include complete, current, and accurate materials that  
222 highlight accomplishments and demonstrate performance relative to assigned duties over the  
223 evaluation period. Dossiers must be submitted in an approved format by the employee in time to meet  
224 published deadlines. If, by the expiration of the submission deadline, a section is not provided, the  
225 evaluator may make a decision based on the available information, which may result in a final  
226 performance rating of “Unsatisfactory.”

227 (g) Outcomes. Employees will receive a communication regarding their final performance rating.

228 1. Exceeds expectations

229 2. Meets expectations

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

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

234 **10.8 Sustained Performance Evaluations (SPE).** If a tenured employee has received a less than  
235 “satisfactory” evaluation in two consecutive annual evaluations, this employee may be issued a  
236 performance improvement plan (PIP) if the employee’s next Post Tenure Review is not due for more  
237 than one year.

238 **10.9 Performance Improvement Plan (PIP).** An employee whose PTR or SPE evaluation fails to meet  
239 performance expectations will be issued a performance improvement plan.

240 (a) PIP Creation. The appropriate college dean, in consultation with the faculty member’s unit head,  
241 and with any information provided by the faculty member, will propose a performance improvement  
242 plan to the provost or designee. The provost or designee will make final decisions regarding the  
243 requirements of each performance improvement plan.

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

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

252 **10.10 Annual Evaluation Standards and Procedures (AESPs).** Each University department or unit shall  
253 maintain written AESPs to serve as guidelines on how to evaluate the quality of each employee’s  
254 performance. AESPs provide clarifications of the University criteria in terms tailored to the department  
255 or unit’s discipline(s), employee positions (e.g., tenured or tenure earning, non-tenure-earning, library  
256 faculty), and assigned duties. The AESP must be rigorous enough to allow for stratification of merit

257 within the department. The evaluation period for research may be longer than one year, if specified, to  
258 distinguish between ratings of Conditional and Unsatisfactory in any area of assignment.<sup>1</sup>

259 These discipline-specific clarifications shall:

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

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

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

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

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

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

#### 280 10.11 AESP Development Process.

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

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

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

293 (d) Once the dean/vice president determines the proposed AESPs or revisions are acceptable, they  
294 shall be forwarded to the university's representative for review to ensure they are consistent with the  
295 mission and goals of the University and comply with this Agreement. If the university's representative

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<sup>1</sup> Per an MOU (Apx. B), this sentence has been changed to "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."

296 determines that the proposed AESPs or revisions thereto are acceptable, they shall be approved. If not,  
297 they shall be referred back to the college or division for revision by the department or unit with a  
298 written statement of reasons for non-approval.

299 (e) The process is considered initiated after the AESP committee is formed. If, at least one year after  
300 the initiation of the process described in this subsection, AESPs acceptable to the dean/vice president  
301 and university's representative have not been approved by the department or unit, draft AESPs,  
302 committee and department votes, and comments from employees, committee, and the dean/vice  
303 president shall be forwarded to the university's representative for consideration. The university's  
304 representative shall, in conjunction with the dean/vice president and department/unit head, and in  
305 consideration of the opinions of the employees and of approved AESPs for other departments and units,  
306 develop and institute new department or unit AESPs. These AESPs shall remain in place until such time  
307 as new AESPs are developed and approved according to the procedure outlined in this subsection.

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

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

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