

ARTICLE 18
PERFORMANCE EVALUATIONS

18.1 **Policy.** Evaluations are intended to communicate to a faculty member a qualitative assessment of that faculty member's performance of assigned duties by providing him/her written constructive feedback that will assist in improving the faculty member's performance and expertise.

- (a) The performance of a faculty member shall be evaluated at least once annually, with the following exceptions:
 - (1) Faculty members on visiting appointments who have not been reappointed for the following Academic Year
 - (2) Faculty members who have resigned, and
 - (3) Faculty members who have been issued notice of non-reappointment or termination for just cause.
- (b) The period of the annual evaluation shall include the previous Summer term and Fall and Spring semesters.
- (c) Personnel decisions shall be based on written annual evaluations, provided that such decisions need not be based solely on written faculty performance evaluations.

18.2 **Sources of Evaluation.**

An annual evaluation is a subjective assessment of an individual's performance based on objective criteria. The criteria are useful tools for evaluating overall performance. The evaluation is intended to be comprehensive and not based on a single or limited number of criteria sources of information. Therefore, the person responsible for completing the faculty member's annual evaluation shall consider all appropriate and available information that is relevant to the faculty member's performance of assigned responsibilities. This will include the faculty member's annual ~~self~~-evaluation portfolio of activities and documented information from the following sources: immediate supervisor, peers, students, faculty member/self, other University officials who have responsibility for supervision of the faculty member, and individuals to whom the faculty member may be responsible in the course of a service assignment. Any materials to be used in the evaluation process submitted by persons other than the faculty member shall be shown to the faculty member, who may attach a written response. Any materials that have not been shown to the faculty member cannot be used in the evaluation process. Whenever a single or limited number of criteria are deemed controlling, the written evaluation must justify that conclusion.

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- (a) **Faculty Annual ~~Self~~-Evaluation Portfolio.** Each faculty member shall submit to his/her chair/supervisor a ~~self~~-evaluation portfolio of annual activities in teaching, research/scholarship/creative activities, service, and other University duties for the previous year, ~~and a self-evaluation of the faculty member's performance for that year consistent with the provisions of Article 18.4.~~ Each department/unit shall specify the required format and minimum content of the faculty annual ~~self~~-evaluation portfolio; provided, however, the required format and minimum content shall be developed pursuant to the provisions of Article 9 of this Agreement. The faculty annual ~~self~~-evaluation portfolio ~~shall~~ may include any interpretive comments and/or supporting data that the faculty member deems appropriate in evaluating his/her performance for the previous year. It is the intent of this provision to provide the faculty member with a broad opportunity to display his/her performance over the previous year which will allow for a comprehensive evaluation.
- (b) **Observation/Visitation.**
- (1) When a faculty member or a chair/supervisor requests a direct classroom observation, the chair/supervisor shall notify the faculty member at least two (2) weeks in advance of a two (2) week period within which classroom observation/visitation(s) may occur in connection with the faculty member's annual evaluation. Upon receipt of this notification, the faculty member shall advise his/her chair/supervisor regarding any day and time that classroom observation/visitation is not appropriate because of the nature of the class activities scheduled for that day and may suggest a more appropriate date.
 - (2) If the chair/supervisor does not choose to observe/visit the faculty member's classroom on a date suggested by the faculty member, the chair/supervisor may as an alternative notify the faculty member at least two weeks in advance of an alternative two (2) week period within which the classroom observation/visitation (s) will occur.
 - (3) A written report of the observation/visitation shall be submitted to the faculty member within two (2) weeks of the observation/visitation. If the observation/visitation involves a course that was assigned to the faculty member with less than four (4) weeks' notice, that fact shall be noted in the report. The faculty member may submit a written reply which shall be attached to the report.
 - (4) If the faculty member believes the classes observed were not indicative of the faculty member's performance, the faculty member may submit a written request within one (1) week after receiving the report requesting that the chair/supervisor revisit within the next two (2) weeks. A faculty member's request for a chair/supervisor revisit may only be submitted

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once per semester. If a revisit occurs, a written report of the revisit shall be submitted to the faculty member within two (2) weeks of the revisit. The faculty member may submit a written reply which shall be attached to the written report of the revisit. The initial written report and the written report of the revisit, including any written reply from the faculty member, shall be considered in connection with the faculty member's annual evaluation.

- (5) Nothing herein shall prohibit any chair/supervisor or Administration representative from visiting any classroom for investigative purposes when deemed appropriate by the University President or designee.
 - (6) Observation/visitation of on-line classroom settings is permitted under the terms of this Article. The chair/supervisor shall notify the faculty member of a two (2) week period in which the observation of the online class will occur. The faculty member will provide the chair/supervisor with access to the course and will terminate access at the end of the two (2) week period.
- (c) **Peer Assessment.** A faculty member may choose to have a peer or colleague observe/visit the faculty member's classroom and to have an assessment of that observation/visitation included as part of the faculty member's annual ~~self-~~ evaluation portfolio. The peer evaluator/colleague may be from any department/unit within the University, a retired colleague, or a colleague in the same discipline from another university. If a classroom visit is made, the peer evaluator/colleague shall visit for at least one (1) entire class session.
- (d) **University Required Student Evaluations.**
- (1) The University required student Instructional Satisfaction Questionnaire (or ISQ) is one tool for evaluating teaching performance, and all the required ISQs must be included in the annual ~~self-~~ evaluation portfolio. However, the evaluation of a faculty member shall not be based solely or primarily on student evaluations if the faculty member has provided other information or evidence in support of his/her teaching performance.
 - (2) The ISQ will be administered online during the final ~~three (3)~~ two (2) weeks of scheduled instruction before final examinations every Fall and Spring class and in every Summer class, except as provided in Article 17.2 (c)(3). However, courses involving individual instruction such as independent studies (DIS), internships, practica, and courses with an enrollment of seven (7) or less, shall be excluded from this evaluation instrument. Study abroad courses for which these assessments are not appropriate may be excluded by the instructor from this form of

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evaluation, in which case an alternative assessment mechanism shall be utilized.

- (3) In courses with more than one instructor, all instructors shall be evaluated individually. For combined lecture/lab courses, the lecture and the lab will be evaluated separately, even when they are taught by the same instructor.
- (4) Information Technology shall be responsible for the notification to students for completing on-line evaluations. Information Technology shall remind students to complete online evaluations no more than two (2) times per week during the first ~~two (2) weeks~~ week, and no more than three (3) times during the last week, of evaluation.
- (5) The faculty member shall not have access to the completed surveys until the tabulated results are made available to the faculty member through the ~~FAIR~~ on-line system in the University online system.

18.3 Evaluation Rating Categories.

- (a) Each faculty member shall be evaluated in each area of assigned duties, viz., teaching, scholarship/research/creative activity, and service, consistent with the following rating categories.

Meets Expectations

Exceeds Expectations

Far Exceeds Expectations

Below Expectations

Unsatisfactory

- (b) It is the responsibility of the faculty member to provide the department chair/unit supervisor with sufficient information to permit the department chair/unit supervisor to conduct an effective evaluation of the faculty member's performance of his/her assigned duties. It is expected that the faculty member will provide evidence of his/her accomplishments to serve as a foundation for the rating assigned to those accomplishments. If a faculty member fails to provide evidence of his/her accomplishments, the department chair/unit supervisor will complete the evaluation based on available information as provided in Article 18.2. It is the responsibility of the department chair/unit supervisor to make comprehensive assessments of the evidence provided by the faculty member. It is expected that the department chair/unit supervisor will take into consideration all

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available information when completing the evaluation. Each chair/supervisor completing a performance evaluation shall articulate sufficient and specific grounds or reasons to substantiate the rating given in each assigned category and to articulate how the faculty member's performance can be improved.

18.4 University Criteria for Annual Performance Evaluations. The annual performance evaluations shall be based upon assigned duties, and shall carefully consider the nature of the assignments assigned duties and the quality of ~~the~~ their performance in the following terms, where applicable:

(a) **Teaching.** There are many approaches to and dimensions of pedagogical work. Thus, the evaluation of teaching performance shall consider ~~multiple sources of data that reflect~~ the range of pedagogical activities engaged in by the faculty member. These pedagogical activities may include course design and redesign, instructional delivery, the development of course materials, assessment of student learning, departmental curricula development and revision, advising and mentoring of students, and teaching innovation. Effective teaching involves facilitating student learning, critical thinking, and engagement. To be recognized as an effective teacher requires the faculty member not only demonstrate enhancement of his/her knowledge and skills by engaging in a continuous effort of professional development in his/her discipline, but also requires that the faculty member demonstrate that he/she has used his/her enhanced knowledge and skills to facilitate student learning, critical thinking, and engagement. As part of the annual ~~self~~-evaluation portfolio submitted in accordance with Article 18.2 (a), the faculty member shall include any documentation or information that the faculty member thinks should be taken into account in the completion of his/her performance evaluation, including course load, class size and format, and special circumstances such as a leave of absence.

(1) As part of the annual ~~self~~-evaluation portfolio submitted in accordance with Article 18.2 (a), a faculty member shall include a ~~narrative description and evidence~~ of the pedagogical activities engaged in during the previous academic year. The portfolio may include descriptions and examples of:

- a. Professional development efforts in teaching (e.g., attending workshops and seminars, consultations on teaching, activities demonstrating continued engagement and mastery of the field).
- b. Substantive revisions of previously offered course(s)/lab(s), for reasons that may include developments in the field, a new edition of a textbook, or course re-design.
- c. Development of new course(s)/lab(s).
- d. Curriculum or program development with colleagues at department

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- or college level.
- e. Incorporation of suggestions that emerge from peer review of one's teaching.
 - f. The development of innovative instructional techniques or materials (e.g., distance learning/hybrid courses, textbooks, textbook supplements, or assessment tools).
 - g. Authored and published articles on the teaching of his/her discipline.
 - h. Clear and effective course design (e.g., syllabi with clearly stated learning outcome objectives and requirements, study guides/notes/overheads/Power Points composed by the faculty member).
 - i. Assignments and activities (e.g., homework, papers, projects, readings, labs) that stimulate intellectual interest and promote and advance student learning and critical thinking.
 - j. Assessment of student learning (e.g., samples of exams/quizzes, student work, rubrics).
 - k. Recognitions and awards for outstanding teaching.
 - l. Evaluations from ~~service-learning~~ community-based partners or co-instructors.
 - m. University required student evaluations (ISQ's).⁷
 - n. Optional student evaluations administered by the faculty member.⁸
 - o. Any other documentation or information the faculty member thinks should be taken into account in the completion of his/her teaching performance evaluation.
- (2) The evaluator must take into account any relevant materials submitted by the faculty member. All ratings shall be based on a comprehensive view of the faculty member's pedagogical activities and performance based on the criteria listed in Article 18.4 (a) (1).

(3) The University values community-based teaching that demonstrates a deep

⁷ Required student evaluations are not optional and must be included in the annual ~~self~~ evaluation portfolio.

⁸ If a faculty member elects to administer other forms of assessing student opinion in addition to those required by the University, the faculty member shall not be required to include the results of those alternative measures in support of his/her evaluation.

engagement with local, regional, national and/or global communities. Community-based teaching may be considered during annual performance evaluation if requested by the faculty member.

(3 4) Rating Structure for Teaching⁹.

- a. A rating of Meets Expectations will be demonstrated by a satisfactory level of accomplishment based upon the metrics listed in Article 18.4(a)(1) and (2). A faculty member who attains this level will also have successfully met the normal performance standards for teaching which include: meeting classes as scheduled throughout the entire semester; holding the required minimum number of office hours; submitting the required annual ~~self~~-evaluation portfolio including the teaching narrative by the established deadline; and maintaining the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.
- b. A rating of Exceeds Expectations will be demonstrated by a faculty member exceeding in quantity and/or quality the normal performance standards for teaching of those rated Meets Expectations.
- c. A rating of Far Exceeds Expectations will be demonstrated by a faculty member exceeding in quantity and/or quality the expectations for teaching of those rated Exceeds Expectations.
- d. A rating of Below Expectations will be demonstrated by a faculty member failing to meet the normal performance standards of teaching of those rated Meets Expectations, including failing to maintain the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.
- e. A rating of Unsatisfactory will be demonstrated by a faculty member engaging in practices that are detrimental to educating students. Such practices may include failing to revise courses when necessary, failing to teach a significant portion of the content of the course as described in the official course description, missing classes or finishing a course prior to the official end of term without justification, persistent and justified student complaints, erratic and/or unprofessional classroom behavior, failure to submit the required annual ~~self~~-evaluation portfolio including the teaching narrative by the established deadline, or failing to maintain the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.

⁹ The rating structure presented here is intended to serve as a model. The relative weighting of the criteria to be evaluated may be determined as specified in Article 9, Guidelines for Application of University Criteria.

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- (b) **Research/Scholarship/Creative Activity.** The annual evaluation shall include consideration of the quality and quantity of the faculty member's research/scholarship/creative activity which is a measure of the faculty member's contributions to the discovery, integration, or application of new knowledge, and other forms of creative activity, which is appropriately related to the faculty member's discipline. An evaluation of quality will include an evaluation both of the publication/creative contributions and of the medium in which the work is published/presented.
- (1) Evidence of research/scholarship and other creative activity may include, but not be limited to:
- a. Published books
 - b. Chapters in books
 - c. Articles and papers in academic and/or professional journals
 - d. Musical compositions
 - e. Paintings and sculpture
 - f. Works of performing art
 - g. Major grant proposals, grants and patents received
 - h. Papers presented at meetings of academic and/or professional societies
 - i. Reviews, research, and/or creative activity that has not yet resulted in publication, display, or performance.
 - j. Any other research/scholarly/creative activities demonstrably related to the faculty member's discipline.
- (2) If the faculty member's discipline has a published or professionally acknowledged hierarchy of research outlets, and the chair/supervisor intends to use that hierarchy, the chair/supervisor must communicate this and allow at least one year for faculty to adjust their publication planning before the hierarchy is used in evaluation.
- (3) ~~The University recognizes community based research to be of value and that it should be considered during the annual performance evaluation.~~
The University values community-based research that engages and

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impacts local, regional, national, and/or global communities. Community-based research may be considered during annual performance evaluation if requested by the faculty member.

- (4) **Rating Structure for Research/Scholarship/Creative Activity.**¹⁰ All ratings shall be based upon a comprehensive review of the faculty member's scholarly contributions as listed in Article 18.4 (b)(1).
- a. A rating of Meets Expectations will be based upon a satisfactory level of scholarship that may be attained by a faculty member completing a work applicable to the discipline; making substantive and verifiable improvements to or progress on a long-term project or a work-in-progress as part of an ongoing agenda of research/scholarship/creative activity; receipt of internal contracts and grants in support of the faculty member's research; and/or presentation of the faculty member's scholarship in venues appropriate to the discipline. Submission of the required annual ~~self~~-evaluation portfolio by the established deadline and maintaining the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members is also expected.
 - b. A rating of Exceeds Expectations will be based upon scholarly contributions or creative activities listed in Article 18.4(b)(1) that exceed in quality and/or quantity those contributions rated Meets Expectations. Such a rating may be attained by a faculty member completing and having a new scholarly or creative work appropriate to the discipline accepted for publication, performance, or juried show; receipt of local contracts and grants in support of the faculty member's research; submitting a major external grant proposal of high quality; presenting by invitation scholarly works at major conferences or other relevant and well-respected venues; or completing other scholarly or creative activities that exceed in quality and/or quantity those contributions rated Meets Expectation.
 - c. A rating of Far Exceeds Expectations will be based upon scholarly contributions or creative activities listed in Article 18.4(b)(1) that exceed in quality and/or quantity those contributions rated Exceeds Expectations. Such a rating may be attained by a faculty member having peer-reviewed publication(s) or creative work(s) of high quality appropriate to the discipline; submitting a patent application; receiving a patent; receiving a major external grant of high quality; receiving prestigious and competitive awards, grants,

¹⁰ The rating structure presented here is intended to serve as a model. The relative weighting of the criteria to be evaluated may be determined as specified in Article 9, Guidelines for Application of University Criteria.

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or fellowships; or developing and implementing a major community based/applied research program based upon the faculty member's scholarly expertise.

- d. A rating of Below Expectations will be based upon scholarly contributions or creative activities that demonstrate a less than satisfactory level of accomplishment in the items listed in Article 18.4(b)(1). Such a level may be attained by a faculty member failing to meet the standards of those rated Meets Expectations, including failing to make sufficient progress on research/scholarship/creative activities, failing to submit the required annual self-evaluation portfolio by the established deadline, or failing to maintain the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.
 - e. A rating of Unsatisfactory performance will be demonstrated by a faculty member not providing evidence of ongoing research/scholarship/creative activity; failing to demonstrate any progress in advancing his/her scholarly agenda since his/her last performance evaluation; failing to develop a viable proposal to initiate scholarship that demonstrates the potential of the faculty member to make the meaningful scholarly or creative contributions expected of all faculty members, including failing to submit the required annual ~~self~~-evaluation portfolio by the established deadline, or failing to maintain the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.
- (c) **Service** both within the University and ~~public~~ service that extends professional or discipline-related contributions to the local, regional, national, and/or global community communities; ~~the State, public schools, or the national and international community~~ will be recognized.
- (1) University service includes participation in the governance process of the institution by serving on departmental, college, school, and University-wide committees and councils.
 - (2) Public service includes contributions to scholarly and professional conferences and organizations and positions on boards, agencies, and commissions that benefit such groups.
 - (3) Service as UFF-UNF President, service on the UFF-UNF bargaining team, or as an official UFF-UNF grievance representative shall be recognized as important service, but shall not be otherwise evaluated.

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- (4) **Service Rating Structure.**¹¹ All ratings will be based upon a comprehensive review of the faculty member's service contribution based on the metrics in Article 18.4 (c)(1), (2), and (3).
- a. A rating of Meets Expectations may be attained by a faculty member fully participating in departmental activities; serving on at least one departmental, college, University, or UFF-UNF committee; working constructively and collaboratively with colleagues and committee members; making meaningful contributions to the faculty member's professional society/association(s); submitting the required annual ~~self~~-evaluation portfolio by the required deadline; and maintaining the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.
 - b. A rating of Exceeds Expectations may be attained by a faculty member providing a significant commitment of time and energy to activities such as reviewing manuscripts; or membership on multiple committees, programs and/or accreditation reviews for departmental conferences. These contributions will exceed the expected participation in regular departmental, college, and University meetings and will exceed in quality or quantity the contributions of those rated Meets Expectations.
 - c. A rating of Far Exceeds Expectations may be attained by a faculty member providing an extraordinary commitment of time and energy to activities such as ongoing contributions to the local, regional, national, and/or global communities ~~community~~; leadership of major committees or task forces; professional service by acting as grant panelist, conference planner, and/or coordinator. These contributions will far exceed the expected participation in regular departmental, college, and University meetings, and will exceed in quality or quantity the contributions of those rated Exceeds Expectations.
 - d. A rating of Below Expectations will be attained by a faculty member who has devoted some time to service, but has failed to meet the standards of those rated "Meets Expectations".
 - e. A rating of Unsatisfactory will be demonstrated by a faculty member consistently failing to engage in service activities as specified in Article 18.4 (c), or failing to submit the required annual ~~self~~-evaluation portfolio by the established deadline, or failing to maintain the professional decorum set forth in Article 10.3 Academic Responsibility of Faculty Members.

¹¹ The rating structure presented here is intended to serve as a model. The relative weighting of the criteria to be evaluated may be determined as specified in Article 9, Guidelines for Application of University Criteria.

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18.5 Annual Evaluation Process.

- (a) The chair/supervisor shall provide to his/her department faculty the form or format for submission of a faculty member's annual ~~self~~-evaluation portfolio no later than April 1. The student evaluations of classroom instruction shall be provided to the faculty member no later than May 15.
- (b) Each faculty member shall submit to his/her chair/supervisor the faculty member's annual ~~self~~-evaluation portfolio no later than June 1. If a faculty member fails to provide his/her annual ~~self~~-evaluation portfolio by this date, his/her chair shall proceed to complete the faculty member's annual evaluation without that information, unless the chair has extended the deadline based on extenuating circumstances that justify the extension.
- (c) The chair/supervisor shall complete the annual evaluation taking into account the faculty member's annual ~~self~~-evaluation portfolio and other sources of evaluative information referenced in Article 18.2, the University's criteria for annual evaluations referenced in Article 18.4, and the guidelines for application of University criteria pursuant to Article 9.
- (d) The chair/supervisor shall provide the faculty member with written constructive feedback that is designed to assist the faculty member in improving his/her performance and expertise, and shall endeavor to identify any major performance deficiencies.
- (e) The chair/supervisor's annual written evaluation, with an attached copy of the faculty member's annual ~~self~~-evaluation portfolio and the annual assignment for the year being evaluated, shall be provided to the faculty member no later than July 15. If the faculty member will be inaccessible by e-mail, that faculty member shall notify his/her chair in advance so that an alternative means of delivery can be identified.
- (f) A form entitled "Acknowledgment of Receipt of Evaluative Materials" will accompany the annual written evaluation. The faculty member shall complete this form and return it to his/her chair/supervisor no later than September 1. Completion and submission of this form only acknowledges receipt of the annual evaluation and does not waive the faculty member's right to contest the annual evaluation. However, if the Acknowledgment of Receipt of Evaluative Materials is not returned by September 1, the faculty member is deemed to agree with the evaluation and waives all rights to contest the evaluation.
- (g) If the faculty member disagrees with the content of his/her evaluation, when submitting the Acknowledgment of Receipt of Evaluative Materials the faculty member ~~shall~~may attach a ~~concise~~ rebuttal statement to the Acknowledgment of Receipt form and request the opportunity to discuss the evaluation with the evaluator prior to it being finalized and placed in the faculty member's evaluation

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file. If requested, the evaluator shall meet with the faculty member to discuss areas of disagreement prior to finalizing the evaluation.

- (h) A finalized copy of the evaluation, signed by the evaluator, shall be provided to the faculty member no later than October 1. The faculty member, upon receipt of the finalized copy, may amend their rebuttal statement. The date the faculty member receives a finalized copy of the evaluation from the person performing the evaluation shall commence the time period specified in Article 31 for filing a grievance.
- (i) The faculty member may request, in writing, a meeting with an administrator at the next higher level to discuss concerns regarding the evaluation that were not resolved in previous discussion with the evaluator. No material will be considered that was not timely submitted by the June 1 deadline. A faculty member's written request to meet with an administrator at the next higher level to discuss concerns regarding the finalized evaluation shall not toll the time period specified in Article 31 for filing a grievance.

18.6 Evaluation File.

- (a) **Policy.** There shall be one (1) official evaluation file. When evaluations and other personnel decisions are made, other than for tenure, promotion, and discipline, the only documents that shall be considered are those described in Article 18.2 and other documents that are referenced in the official evaluation file. All such documents shall bear the date of receipt by the custodian.
 - (1) A notice specifying the location of faculty evaluation files and the identity of the custodian of the files shall be posted in each department/unit. A dated copy of all documents used in the assignment and evaluation process, other than evaluation for tenure or promotion, and excluding course materials, publications, public speeches/presentations, or papers presented at conferences, regardless of format, shall reside in this file.
 - (2) Documents shall be placed in the evaluation file by the University Administration within a reasonable time after receipt. The faculty member shall be promptly notified regarding any documents being placed in his/her evaluation file.
 - (3) No adverse employment action shall be taken against a faculty member based upon material in the faculty member's evaluation file that has not been promptly provided to the faculty member or to which the faculty member has not had an adequate opportunity to attach a response.
- (b) **Access.** A faculty member may examine the evaluation file, upon reasonable advance notice, during regular business hours under such conditions as are necessary to ensure its integrity and safekeeping.

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- (1) Upon timely written notification to the chair/supervisor, a faculty member may paginate with successive whole numbers the materials in the file, and may attach a concise statement in response to any item therein. The University Administration also has the right to paginate the materials in the file and shall notify the faculty member when that pagination will take place.
 - (2) Upon written or emailed request, a faculty member shall be provided one (1) free copy of any material in the evaluation file. Additional copies may be obtained by the faculty member upon the payment of a reasonable fee for photocopying.
 - (3) A person designated by the faculty member may examine that faculty member's evaluation file with the written authorization of the faculty member concerned, and subject to the same limitations on access that are applicable to the faculty member.
- (c) **Indemnification.** The UFF agrees to indemnify and hold the Trustees, its officials, agents, and designees harmless from and against any and all liability for any improper, illegal, or unauthorized use by the UFF, its officials, agents, and designees, of information contained in such evaluation files.
- (d) **Anonymous Material.** There shall be no anonymous material in the evaluation file except for numerical summaries of student evaluations that are part of a regular evaluation procedure of classroom instruction and/or written comments from students obtained as part of that regular evaluation procedure. If written comments from students in a course are included in the evaluation file, all of the comments obtained in the same course must be included.
- (e) **Peer Evaluation Committee.** The faculty of a department may develop a procedure for peers to evaluate the performance of faculty members provided that the development of such procedure must be accomplished in accordance with the provisions of Article 9 of this Agreement. This procedure shall identify how departmental faculty will be involved in the process, how the faculty member will receive feedback on the peer evaluation, and whether the evaluation will be included in the faculty member's official evaluation file.
- (f) **Removal of Contents.** The University Administration shall promptly remove from the file materials shown to be contrary to fact. This section shall not authorize the removal of materials from the evaluation file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may also be removed pursuant to the resolution of a grievance.
- (g) **Use of Evaluative Material.**

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- (1) Information reflecting the evaluation of a faculty member's performance shall be available for inspection only by the faculty member, the faculty member's representative, University Administration officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating the faculty member's performance, and arbitrators or others engaged by the parties to resolve disputes, or others by court order. Such limited access status shall not, however, apply to summary data, by course, for the common "core" items contained in the student course evaluations that have been selected as such by the University Administration and made available by the University Administration to the public on a regular basis.
- (2) In the event a grievance is filed, the University Administration, the UFF grievance representatives, the arbitrator, and the grievant shall have the right to use, in the grievance proceedings, copies of materials from the grievant's evaluation file.

18.7 Proficiency in Spoken English. Pursuant to Section 1012.93, Florida Statutes, faculty members involved in classroom instruction must be proficient in the oral use of English. Such oral use proficiency may be demonstrated by achievement of a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the State Board of Education.

18.8 Employee Assistance Program. Neither the fact of a faculty member's participation in an employee assistance program nor information generated by participation in the program, shall be used as evidence of a performance deficiency within the evaluation process described in this Article, except for information relating to a faculty member's failure to participate in an employee assistance program consistent with the terms to which the faculty member and the University Administration have agreed.

18.9 Remediation

- (a) It is recommended that any faculty member who has received a less than Meets Expectations teaching evaluation obtain the services of the Office of Faculty Enhancement (OFE).
- (b) It is required that any faculty member who has received a second less than Meets Expectations teaching evaluation obtain the services of OFE. In addition, the faculty member shall be required to develop a plan of improvement, in conjunction with his/her chair/supervisor. Any faculty member required to develop a plan of improvement under this section shall be subject to the classroom observation/visitation provisions of Article 18.2 (c).

18.10 Relationship to Tenure. The annual performance evaluation received by a faculty member is intended to assist the faculty member in improving his or her performance and expertise. A faculty member's annual performance evaluations are taken into account as

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part of the tenure evaluation process, but the annual evaluations are separate and distinct from the tenure decision. Tenure is a prestigious award that is reserved for a faculty member who has demonstrated a history of excellence in the performance of his or her duties and responsibilities. Tenure is therefore a cumulative view of the faculty member's total contribution to the academy during the period prior to tenure being awarded. By contrast, the annual evaluation is only a one year measure of performance. Therefore, a rating of Meets Expectations on an annual performance evaluation is not necessarily reflective of successful progress toward tenure. However, consistent ratings of Exceeds Expectations or above may reflect adequate progress toward tenure.

- 18.11 **Sustained Performance Evaluation.** A faculty member employed by the University for five (5) or more years following the award of tenure or his/her most recent promotion, who has received a rating of less than Meets Expectations two (2) or more times in a given category during the previous five (5) years, must develop a performance improvement plan which is subject to the approval of the faculty member's chair/supervisor.