

## Memorandum of Understanding

### **UNF and UFF enter into this Memorandum of Understanding:**

1. UNF agrees that it will not modify any of the provisions set forth below without engaging in collective bargaining with respect to the impact of the change prior to implementing it, if such bargaining is requested by the UFF.
2. The University shall provide to UFF a copy of (a) the Provost's annual report to the President and Board of Trustees on the outcomes of the comprehensive post-tenure review process; and (b) the audit reports generated pursuant to the Post-Tenure Review Policy.
3. By entering into this MOU, UNF and UFF agree that they have satisfactorily resolved all issues between them over the implementation of post-tenure review at the University of North Florida.
4. UNF's procedures for implementing post-tenure review shall include the following provisions:

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### **I. Following the Policy**

The University will follow its Post-Tenure Faculty Review Policy, 2.1100P, by using the procedures within this MOU to clarify how the University will administer the post-tenure review ("PTR") policy.

### **II. Selection, Notice, and Extensions**

#### **A. Selection of Faculty for PTR and Notification**

- 1) The Board of Governors directed the University to conduct PTR for faculty whose last promotion was more than five years ago and who had not yet undergone post-tenure review. The selection is to be spread equally over five years so that approximately 20% of the initial pool of faculty beyond 5 years since their last promotion is reviewed each year.
- 2) Institutional Research will generate the list of faculty beyond 5 years since their last promotion requiring PTR.
- 3) In Year 1, 20% of faculty will be randomly selected from the list.
- 4) At the time for name selection in March of the following years, the random selection will be made as follows:
  - (a) Year 2: 25% of the remaining faculty beyond 5 years since their last promotion.
  - (b) Year 3: 33% of the remaining faculty beyond 5 years since their last promotion.
  - (c) Year 4: 50% of the remaining faculty beyond 5 years since their last promotion.
  - (d) Year 5: All remaining faculty beyond 5 years since their last promotion.

- 5) All random selection processes of faculty for post-tenure review will be completed by Institutional Research in the presence of the Faculty Association President and UFF President or their designees.
- 6) In addition to the faculty beyond 5 years since their last promotion receiving post-tenure review, each year the University will also be conducting post-tenure review of faculty in their fifth year since their last promotion or post-tenure review.
- 7) In Year 1, all faculty undergoing post-tenure review will be notified via University e-mail no later than October 15, 2023.
- 8) Starting in Year 2, the University will notify faculty via University email by April 1st each year that they will be undergoing post-tenure review beginning the following Spring.
- 9) Faculty eligible for post-tenure review, but not selected for post-tenure review for the current PTR cycle, will be notified by UNF via University email at the same time as those selected for PTR.
- 10) The notice will inform faculty of the required items to be included in the dossier. The notice will also include information on how faculty can compute their Average Annual Comprehensive Score (“AACCS”) and that the AACCS scale runs from zero (meaning an average annual comprehensive score of unsatisfactory) to four (meaning an average annual comprehensive score of Far Exceeds Expectations). In computing the AACCS, the faculty member will use the percentage contribution of teaching, research/scholarly/creative activity, and service each year according to the proportions stipulated in the faculty member’s annual evaluation, assignment letter, and/or Faculty Activity Reports. The faculty member may use the proportion source that they feel is most advantageous to them.

#### B. Exceptions and Extensions

- 1) Extensions of the five-year timeline may be granted for extenuating, unforeseen circumstances when requested by the faculty member in writing. Extensions may be granted by the Provost or their designee. All requests for extensions must be made in writing within ten (10) calendar days of being notified of selection for post-tenure review.
- 2) Generally, the COVID-19 pandemic will not be grounds for extending the Post-Tenure Review period, though there may be cases where faculty would qualify for an extension due to extenuating or unforeseen circumstances that occurred during or because of the COVID-19 pandemic. Although the timing of the Post-Tenure Review likely will not change, the impacts of COVID-19 on the individual’s performance will be considered and addressed when articulated in the faculty member’s dossier.
- 3) Faculty with a serious health condition (either currently or during the post-tenure review lookback period) who believe their condition affected areas in which they are being reviewed may request an extension. The request must be made in writing and outline their condition and how it affected their performance. The University may request sufficient documentation to support the request. If sufficient information is provided, the University will either grant

an extension of the post-tenure review period or consider and address the effect of the serious health condition on performance during the period in the review.

- 4) Faculty who took an approved leave of absence without pay or FMLA or approved sick leave during the review period for the equivalent of at least eight (8) weeks in one semester (Fall or Spring) shall have the option to extend their post-tenure review by the number of Fall and Spring semesters in which they were on such leave.
- 5) Faculty who are going up for promotion in the same fiscal year in which they are due for PTR are exempt from the PTR process. If they withdraw their promotion application or are not promoted, then they must go through the PTR process in the next year's PTR cycle. If the faculty member chooses to apply for promotion in the next year, they must undergo both the promotion and PTR processes in that year.
- 6) Faculty who have submitted a retirement/resignation letter prior to the deadline by which faculty submit PTR dossiers are also exempt from PTR. Such a retirement/resignation letter must be non-revocable and be effective within 12 months.
- 7) Exceptions to the timing of post-tenure review granted to tenured faculty members will be disclosed in the Provost's report to the President and Board of Trustees on the outcome of the post-tenure review. A copy will be provided to the UFF President.

### **III. Submission of Dossier**

- A. The University will create a PTR case in Interfolio for faculty undergoing PTR no later than notification is sent to the faculty member that they will be undergoing PTR.
- B. Faculty will be notified that they must prepare the following academic dossier:
  - 1) Their annual assignment letters/forms from the previous 5 academic years. FARs can be used in place of assignment letters at the discretion of the faculty member.
  - 2) Their self-evaluations from the previous 5 academic years.
  - 3) Approved departmental guidelines in place during the evaluation years.
  - 4) Chairs' evaluations from the previous 5 academic years.
    - (a) Please see Section V(D) of these Procedures if the evaluation is currently being grieved.
  - 5) An updated CV.
  - 6) A cover letter (typically 3 pages or less) that summarizes the faculty member's teaching, research/scholarship/creative activity, and service activities over the past five years.
  - 7) The Average Annual Comprehensive Score (AACCS).

- 8) Faculty are not responsible for submitting information required under Section V(B)(1–6) of the University’s Post-Tenure Faculty Review Procedure.
- 9) The dossier must be submitted by the second Friday in January.

C. Use of Materials

- 1) Any materials to be used in the post-tenure review process submitted by the chair and/or dean other than the faculty member shall be shown to the faculty member, who may attach a written response.
- 2) Material not included in the faculty member’s dossier shall not be used in the evaluation of the faculty member unless added to the dossier as permitted by these Procedures.

**IV. Calculation of Average Annual Comprehensive Score**

- A. The AACCS is an advisory informational data point for use by the PTR reviewers in determining the faculty member’s PTR performance rating. Annual evaluations, while essential, are only a one-year measure of performance. A calculated average of five years’ worth of annual evaluations like the AACCS represents a more comprehensive perspective of these one-year measures. A faculty member’s performance rating for post-tenure review may vary from the calculated AACCS, however the AACCS must be considered diligently in the evaluation process.
- B. The contributions in teaching, research/scholarship/creative activity, and service will be calculated according to the proportions stipulated in the faculty member’s annual evaluation, assignment letter, and/or FAR. When the faculty member calculates their AACCS, they can select the percentage effort for each year of the evaluation period from these documents, choosing the one that best represents their overall efforts each year.
- C. Each year’s annual evaluation category will be assigned numerical scores for each of the categories of teaching, research/scholarship/creative activity, and service values as follows:
  - 1) “Far Exceeds Expectations” is valued at four (4) points,
  - 2) “Exceeds Expectations” at three (3) points,
  - 3) “Meets Expectations” at two (2) points,
  - 4) “Below Expectations” at one (1) point; and
  - 5) “Unsatisfactory” at zero (0) points.
- D. These weighted ratings will be calculated in terms of effort to develop an Annual Comprehensive Score (ACS) for each comprehensive annual evaluation using the formula:

$$ACS = (\%Teaching \times Teaching\ Score) + (\%RSCA \times RSCA\ Score) + (\%Service \times Service\ Score)$$

For example, if a faculty member receives an annual evaluation rating of “Exceeds Expectations” in teaching (3 points at 75% effort), “Meets Expectations” in research/scholarship/creative activity (2 points at 20% effort), and “Far Exceeds Expectations” in service (4 points at 5% effort) for a specific year, their Average Annual Comprehensive Score (ACS) for that year would be calculated as:

$$ACS = 0.75*3 + 0.20*2 + 0.05*4 = 2.85.$$

E. The Average Annual Comprehensive Score (AACS) for the five-year period will then be calculated as follows:

$$AACS = \frac{ACS \text{ Year 1} + ACS \text{ Year 2} + ACS \text{ Year 3} + ACS \text{ Year 4} + ACS \text{ Year 5}}{5}$$

F. In addition to the AACS calculation submitted by the faculty member, the Chair and/or Dean may also calculate the AACS and include their calculation in the dossier. To ensure transparency, they will include a table specifying the percentage contribution for each category used in the calculation of the AACS, the chair’s annual evaluation score in each category for each year, and what source was used in determining the percentage contribution for each year.

## V. Chair Review

- A. The chair reviews all materials provided in the PTR dossier and the faculty member’s personnel file as it relates to the faculty member’s professional conduct, academic responsibilities, and performance. If the chair considers materials relevant to Section III(B)(1) of the University’s Post-Tenure Faculty Review Policy, other than that provided by the faculty member in their dossier, the materials will be shown to the faculty member, who may attach a written response.
- B. The Chair adds to the PTR dossier records relating to any violations of university policy or regulation, BOG regulation, and/or state law, and any other items required to be considered under Section III(B) of the Post-Tenure Review Policy, that led to a documented disciplinary action during the five-year review period. Examples of violations that might lead to disciplinary action include, but are not limited to, the following:
- 1) Failure to disclose outside activity as required by state law (F.S. 1012.977).
  - 2) Findings of misconduct in research, scholarship, and creative activities, or of behavioral misconduct and bullying, as defined in Chapter 10 of the UNF Faculty Handbook.
  - 3) Substantiated student complaints. To be substantiated, the faculty member must have been given notice and an opportunity to be heard and respond, and the decisionmaker must have concluded by the preponderance of the evidence that the complaint is substantiated.
  - 4) Performance improvement plans that were formally documented as per the CBA.
  - 5) Substantiated EOI violations.

- 6) Any other performance issues or faculty conduct that were formally documented during the five-year review period and to which the faculty member had an opportunity to respond and/or grieve.
- C. Chairs add materials to the dossier from official university files that are permitted to be considered under these Procedures.
  - D. If a matter designated for consideration during the post-tenure review has been timely grieved, but the grievance process is not yet complete, the University will provide the faculty member with a written notice, no later than thirty (30) calendar days before the dossier is due, that it intends to either:
    - 1) extend the deadlines for completing the post-tenure review until the grievance process is complete; or
    - 2) omit reference to the pending grieved matter.

The notice will also inform the faculty member that they have a third option: choosing to include the disputed matter and simultaneously proceeding with the post-tenure review evaluation. To use this third option, the faculty member must submit a written response within five (5) business days expressing their wish for the University to continue with the post-tenure review notwithstanding the pending grievance. Upon such a timely request, the University will act accordingly and accept the faculty member's decision. The faculty member is at liberty to emphasize the grieved issue in their post-tenure review cover letter.

- E. Chairs add a letter to the PTR dossier assessing the level of achievement and certification that the letter includes, if applicable, any concerns regarding professional conduct, academic responsibilities, and performance during the period under review. Such concerns must relate to material in the faculty member's dossier, as may be supplemented through these Procedures. If there are no materials in the PTR dossier as supplemented regarding violations, discipline, or professional conduct, the chair includes a statement to that effect in the letter.
  - 1) The letter should provide a holistic review of the faculty member's performance over the previous 5 years, rather than simply summarizing 5 years of reviews or averaging the ratings. Chairs will include the Average Annual Comprehensive Score (AACCS) as a guidance informational item in their letter.
  - 2) Chairs may incorporate their professional assessment for the recommended PTR performance rating.
- F. The deadline for the Chair's review is the first Friday in February.
- G. The Chair's letter is made available to the faculty member and the faculty member may add their own letter to the PTR dossier within five (5) business days following receipt rebutting the chair's evaluation.

## VI. Dean Review

- A. The dean reviews all materials provided in the PTR dossier as supplemented at the chair-level review. If the dean considers materials relevant to Section III(B)(1) of the University's Post-Tenure Faculty Review Policy, other than that provided by the faculty member in their dossier, the materials will be shown to the faculty member, who may attach a written response.
- B. The dean adds the following materials to the Interfolio case:
  - 1) A brief letter assessing the level of achievement during the period under review.
    - (a) The letter includes any concerns regarding professional conduct, academic responsibilities, and performance based on the information provided in the dossier. The letter should provide a holistic review of the faculty member's performance over the previous 5 years, rather than simply summarizing 5 years of reviews or averaging the ratings. However, Deans will include the Average Annual Comprehensive Score (AACS) as a guidance informational item in their letter.
    - (b) The dean's letter also recommends a performance rating using the following scale. For the purpose of these criteria, terms like "average performance of faculty," "expected level of accomplishment," and "normal range of annual variation in performance" mean holistic performance that meets expectations as guided by the documents for evaluating the level of accomplishment as found in approved departmental guidelines for annual evaluations. In the absence of such guidelines, the criteria are found in the model evaluative criteria set forth in the Collective Bargaining Agreement between the United Faculty of Florida and the University of North Florida. These ratings are based on the faculty member's percentage contribution to teaching, research/scholarship/creative activity, and service and the other items permitted to be considered by Section III(B) of the Post-Tenure Review Policy. The "faculty member's discipline and unit" refers to the faculty member's discipline within their unit at UNF, not performance of faculty at other institutions nationwide.

- i. Exceeds expectations: a clear and significant level of accomplishment beyond the “average performance of faculty” in the “faculty member’s discipline and unit.”
  - ii. Meets expectations: “expected level of accomplishment” in the “faculty member’s discipline and unit.”
  - iii. Does not meet expectations: performance falls below the “normal range of annual variation in performance” in the “faculty member’s discipline and unit,” but is capable of improvement.
  - iv. Unsatisfactory: failure to meet expectations that reflect disregard or failure to follow previous advice or other efforts to provide correction or assistance, or performance involves incompetence or misconduct as defined in applicable university regulations and policies. “Advice or other efforts to provide correction or assistance” for purposes of this ranking means documented items permitted to be considered in post-tenure review pursuant to these Procedures.
- (c) The dean's letter will address the AACSB score as they provide an explanation for their recommended performance rating.
  - (d) Faculty members who have met, exceeded, or far exceeded expectations in each evaluated category in each annual evaluation during the review period will not receive a post-tenure review ranking of “does not meet expectations” or “unsatisfactory” unless the factors described in Section V(B) of these Procedures were severe or part of a pattern of behavior below meeting expectations.
- C. The deadline for the dean review is March 1.
  - D. The dean’s letter is made available to the faculty member, and the faculty member may add their own letter to the PTR dossier within five (5) business days following receipt of the dean’s evaluation and rating.

**VII. University Post-Tenure Review Committee**

- A. A University Post-Tenure Review Committee will be assigned to the faculty member undergoing PTR. The University Post-Tenure Review Committee will review their dossier prior to the Provost’s PTR review.
- B. Composition of the University Post-Tenure Review Committee.
  - 1) The members of the University Post-Tenure Review Committee are selected in the same manner as the University Promotion & Tenure Committee described in Article 20.9(d), Tenure, of the Collective Bargaining Agreement, but shall be a separate committee devoted exclusively to Post-Tenure Review.
  - 2) The Chair of the University Post-Tenure Review Committee shall be voted on by the members on that committee.



- 3) The Provost shall meet with the University Post-Tenure Review Committee before it begins its evaluation of the dossiers to give the committee its charge and to explain and clarify responsibilities. In keeping with procedures outlined in Article 20 Tenure, the UFF-UNF President, or their designee, shall attend that meeting as an observer. Prior to convening and charging the University Promotion and Tenure Committee, the Provost shall meet with the UFF-UNF President to discuss the information they intend to present to the University Promotion and Tenure Committee.

C. Responsibilities of the University Post-Tenure Review Committee.

- 1) The committee's function shall be to review each reviewee's dossier to provide a written assessment of the reviewee's qualifications and to provide a written recommendation to the Provost. This written assessment and recommendation, which shall become a part of the reviewee's dossier, shall include a description of the Committee's procedures, and a discussion of the reviewee's holistic performance. The Committee's written assessment and recommendation should address the breadth and depth of the reviewee's accomplishments in teaching, research/scholarship/creative activity, and professional service, noting the percentage contribution devoted to these categories. The University Post-Tenure Review Committee letter will address the AACSB score as they provide an explanation for their recommendation.
- 2) The University Post-Tenure Review Committee will have access to all materials in the dossier. The University PTR Committee will state whether or not these materials persuaded them to depart from their evaluation of the faculty member's performance in teaching, research/scholarship/creative activity, and service.

D. The University Post-Tenure Review Committee must submit their letter by the last Friday in March.

E. The faculty member may add their own letter rebutting the committee's assessment and recommendations within five (5) business days following receipt of the committee's letter.

### **VIII. Provost Review**

- A. The Provost reviews the PTR dossier, and with guidance and oversight from the university president, the Provost accepts, rejects, or modifies the recommended ratings from the Chair, Dean, and University Post-Tenure Review Committee.
- B. The Provost may, at their discretion, choose to consult with a university advisory committee in determining the rating. If such a committee is used, a member of UFF leadership shall be included.
- C. The Provost's decision is communicated to the faculty member and to their chair and dean. The communication includes the rating as well as the outcome of the post-tenure review, as follows and defined above in section VI(B)(b):
  - 1) Exceeds expectations.
  - 2) Meets expectations.

3) Does not meet expectations.

4) Unsatisfactory.

D. Faculty members who have met, exceeded, or far exceeded expectations in each evaluated category in each annual evaluation during the review period will not receive a post-tenure review ranking of “does not meet expectations” or “unsatisfactory” unless the factors described in Section V(B) were severe or part of a pattern of behavior below meeting expectations.

E. The Provost’s final determination will be completed and the faculty member notified by the second Friday in May.

## **IX. Outcomes**

A. A de-identified report of the AACSB and final rating for each faculty member completing the post-tenure review for each cycle will be provided to the United Faculty of Florida-University of North Florida President, to the extent permitted by law. The report will provide three columns: faculty member rank, the AACSB score, and the final post-tenure review rating.

B. For each faculty member who receives a performance rating from the Provost of “exceeds expectations” or “meets expectations,” the Provost shall make the final determination regarding recognition and compensation. This recognition will be consistently applied to each rating as well as to each rank (i.e., associate vs. full professors).

C. Any recognition and compensation provided will be given in compliance with the CBA, will be systematic and objective, and will not be given in an arbitrary or capricious manner. Faculty are eligible for the following compensation every five (5) year PTR cycle if they meet the criteria.

1) Associate and full professors who receive a performance rating of “meets expectations” will receive a one-time nonrecurring wage payment of three percent (3%) of their base rate of pay or \$4,000, whichever is higher.

2) Associate professors who receive a performance rating of “exceeds expectations” will receive a one-time nonrecurring wage payment of five percent (5%) of their base rate of pay or \$6,000 whichever is higher.

3) Full professors who receive a performance rating of “exceeds expectations” will receive a five percent (5%) increase to their base salary. If such a professor is part of the group selected for post-tenure review because it had been more than five years since their last promotion, and if such professor is selected for review in Year 2-5, they shall receive a one-time retroactivity payment. This retroactive payment shall be equivalent to the difference between base compensation received and base compensation they would have received if they were evaluated in Year 1 of the PTR cycle.

4) These payments or raises will become effective within four pay periods of the completion of the faculty member’s post-tenure review, including any appeals.

- D. For each faculty member who receives a performance rating from the Provost of “does not meet expectations,” the dean, in consultation with the faculty member’s department chair and the faculty member shall propose a performance improvement plan to the Provost with goals that are attainable within the given time period for the plan.
- 1) The Provost shall make the final decision regarding the requirements of each performance improvement plan.
  - 2) This plan shall include a deadline of 12 months from the date of notification to the faculty member by which they must achieve the requirements of the plan.
  - 3) Any meeting regarding the performance improvement plan shall include the right to UFF representation if requested by the faculty member unless the faculty member elects self-representation or to be represented by legal counsel.
  - 4) Each faculty member who fails to meet the requirements of a performance improvement plan by the established deadline shall receive a notice of termination from the Provost following the process detailed in Article 32 Disciplinary Action and Job Abandonment of the Collective Bargaining Agreement.
  - 5) A faculty member who meets the requirements of the plan is not entitled to any additional recognition and/or compensation through the PTR process in the current PTR cycle.
  - 6) The next full PTR review for a faculty member who received a “does not meet expectations” rating is 5 years from the assignment of the rating (or, 4 years from successful completion of the performance improvement plan).
- E. Each faculty member who receives a final performance rating of “unsatisfactory” shall receive a notice of termination from the Provost. This termination will be treated as a “just cause” termination under Article 32 Disciplinary Action and Job Abandonment of the Collective Bargaining Agreement.
- F. The post-tenure review process does not limit the ability to evaluate or discipline pursuant to the collective bargaining agreement.

## **X. Appeals**

- A. Final decisions regarding post-tenure review may be appealed as follows:
- 1) In-unit faculty members may file a grievance pursuant to Article 33 of the CBA. Unless Florida Statute § 1001.741(2) is no longer in effect, arbitration will not be used for Step 3; the President or their designee will be the terminal step of the grievance process.
  - 2) Out-of-unit faculty members may appeal the Provost’s decision to the President or their designee.

**XI. MODIFICATION OF GOVERNING LAW**

If Florida Board of Governors Regulations 10.003 or Florida Statute §1001.706 are enjoined or modified in any way that affects post-tenure review, the University will follow the requirements of the injunction or modification in administering post-tenure review.

*Angelika PhD, BCBA, NCSP*

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United Faculty of Florida-University  
of North Florida

October 11, 2023

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Date

*Michael Mattione*

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University of North Florida  
Board of Trustees

*October 17, 2023*

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Date