

ARTICLE 10
EMPLOYEE PERFORMANCE EVALUATIONS

10.1 Annual Evaluations.

(a) Policy. Performance evaluations are primarily intended to communicate to an employee ~~an qualitative~~ assessment of that employee's performance of assigned duties by providing written constructive feedback that will assist in improving the employee's performance and expertise. Evaluations may be considered in employment related decisions such as salary, retention, assignments, awards, tenure, and promotion. Each employee's performance shall be evaluated in writing at least once annually. Employees shall be evaluated ~~solely~~ according to the University Criteria for Annual Performance Evaluations ~~(Section 10.1(d) below) and the clarifications thereof provided by the Annual Evaluation Standards and Procedures for their department or unit that were approved most recently but prior to the beginning of the evaluation period.~~

(b) Annual Evaluation Period. The annual evaluation period shall be the academic year, beginning August 8th, and shall include the preceding summer, as appropriate. 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 ~~if specified in the approved Annual Evaluation Standards and Procedures.~~

(c) Evaluation Ratings. Evaluations shall use the rating categories of outstanding, above satisfactory, satisfactory, conditional, and unsatisfactory in each area of assignment and for the overall evaluation. The overall evaluation shall be consistent with the employee's annual assignment, the evaluations in each assignment area, and the department or unit's ~~Annual Evaluation Standards and Procedures~~ supervisor's judgment. An employee shall not be evaluated in and the overall evaluation shall not be affected by an area in which the employee had no assignment. A ~~department or unit's Annual Evaluation Standards and Procedures~~ supervisor may require an employee to receive a minimum rating of ~~Satisfactory~~ in each area of assignment with an assignment of effort of five percent (5%) or more in order to receive an overall rating of Satisfactory or above, etc. for each level of achievement. If not explicitly stated in the Annual Evaluation Standards and Procedures, that document shall be deemed to require that the employee's overall rating shall be no higher than one level above the lowest rating in any assignment area, regardless of performance in the remaining assignment areas. For example, if an employee has an assignment of ten percent effort in service, and receives a rating of Conditional in that category, the overall rating may be Conditional, even if the remaining ninety percent effort is Outstanding. Similarly, if one of the areas of assignment has a rating of Above Satisfactory, the supervisor has the ability to award an overall rating of Above Satisfactory, even if the other areas of assignment are rated at Outstanding, regardless of FTE assigned.

(d) University Criteria for Annual Performance Evaluations. The annual performance evaluation shall be based upon the professional performance of assigned duties and shall carefully consider the nature of the assignments and quality of the performance in terms, where applicable, of:

(1) Teaching effectiveness, including effectiveness in imparting knowledge, information, and ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration, laboratory exercise, workshop, practical experience, student perceptions of instruction, assessment of and engagement with student work, and direct consultation with students.

a. The evaluation shall include consideration of effectiveness in imparting knowledge and skills, and effectiveness in stimulating students' critical thinking and/or creative abilities, the development or revision of curriculum and course structure, effective student performance evaluation procedures, and adherence to accepted standards of professional behavior in meeting responsibilities to students. The learning objectives of each course, the means of assessing learning objectives, and the outcomes of the assessment should be assessed as part of the teaching performance.

b. The evaluation shall include consideration of other assigned university teaching duties, such as advising, counseling, supervision, or duties of the position held by the employee.

52 c. The evaluator shall take into account any relevant materials submitted by
53 the employee such as class notes, syllabi, student exams and assignments, an employee's teaching
54 portfolio, results of peer evaluations of teaching, and any other materials relevant to the employee's
55 instructional assignment.

56 d. The evaluator shall consider all information available in forming an
57 assessment of teaching effectiveness.

58 (2) Contribution to the discovery of new knowledge, development of new
59 educational techniques, and other forms of research/scholarship/creative activity.

60 a. Evidence of research/scholarship/creative activity, either print or
61 electronic, shall include, but not be limited to, as appropriate, published books; chapters in books; articles
62 and papers in professional journals; musical compositions, paintings, sculpture; works of performing art;
63 papers presented at meetings of professional societies; funded grant activities; reviews; and research and
64 creative activity that has not yet resulted in publication, funding, display, or performance.

65 b. The evaluation shall include consideration of the quality and quantity of
66 the employee's research/scholarship and other creative programs and contributions during the evaluation
67 period, and recognition by the academic or professional community of what has been accomplished.

68 (3) Performance of assigned professional duties ~~such as library instruction, public~~
69 ~~and technical services librarianship, library collection development, advising, counseling, and supervision~~
70 ~~as described in a Position Description, if any, of the position held by the employee.~~

71 (4) Public service that extends professional or discipline-related contributions to the
72 community; the Sstate, including public schools; and the national and international community. Such
73 service includes contributions to scholarly and professional conferences and organizations, governmental
74 boards, agencies, and commissions that are beneficial to such groups and individuals.

75 (5) Service within the university and participation in the governance processes of the
76 institution through significant service on committees, councils, and senates, attendance at
77 commencement, and the employee's contributions to the governance of the institution through
78 participation in regular departmental or college meetings.

79 (6) Service for UFF activities is not considered university service and shall not be
80 evaluated.

81 (7) Other assigned university duties such as academic administration.

82 (e) Annual Evaluation Standards and Procedures (AESPs). Each University department or
83 unit shall maintain written AESPs by which to evaluate each employee according to the University
84 Criteria for Annual Performance Evaluations specified in this article. AESPs shall be clarifications of the
85 University criteria in terms tailored to the department or unit's discipline(s), employee positions (e.g.,
86 tenured or tenure earning, non-tenure-earning, library faculty), and assigned duties. These discipline-
87 specific clarifications shall:

88 (1) take into consideration the University's mission, the college's or division's
89 mission the department's mission, and the ~~reasonable~~ expectations for the different ranks;

90 (2) be adaptable to various assigned duties, ~~so that department employees have an~~
91 ~~equitable opportunity to earn merit increases, regardless of their assignments;~~

92 (3) address, as appropriate, how ~~the department values~~ various
93 research/scholarship/creative activities are valued and the outlets in which employees might be reasonably
94 expected to publish, exhibit, or perform.

95 (4) be rigorous and detailed enough that a reasonable employee should not be
96 uncertain or confused about what performance or accomplishment is sufficient in teaching,
97 research/scholarship/creative activity, professional duties commonly assigned in the department or unit,
98 and service to earn each performance evaluation rating. The clarifications shall identify for each
99 assignment area some representative examples of the achievements or performance characteristics that
100 would earn each performance evaluation rating, consistent with an employee's assigned duties. Examples
101 shall be included for typical assignments within the department or unit (e.g., for 2-2 and 3-2 teaching

102 assignments with correspondingly larger and smaller research assignments, if typically assigned), and
103 must demonstrate the equitable opportunity required by (2) above.

104 (f) Process for developing AESPs.

105 (1) In tenure-granting departments or units, a committee of six ~~(6)~~ members
106 including four ~~(4) tenured~~ unit employees (at least two must have tenure) elected by the ~~tenured~~
107 employees in the unit, the department chair or unit head, and one representative appointed by the dean
108 will develop or revise AESPs. If ~~such~~ a department or unit has fewer than ~~two~~~~four~~ ~~(4)~~ tenured employees,
109 the entire department or unit shall vote to elect up to four employees to serve on the committee, along
110 with the department chair or unit head and one member appointed by the dean. ~~In non-tenure-granting~~
111 ~~units, the committee will consist of four (4) unit employees elected by the employees in the unit, along~~
112 ~~with unit head and one member appointed by the appropriate vice president.~~

113 (2) ~~In tenure-granting departments or units, tenured~~ ~~E~~employees in the department or
114 unit shall propose AESPs or changes thereto as developed by the committee by a majority vote in a secret
115 ballot. ~~If such a department or unit has fewer than four (4) tenured employees, all employees in the~~
116 ~~department or unit shall participate in the vote until such time as the department or unit has four (4) or~~
117 ~~more tenured employees.~~ If a majority exists, the proposed AESPs shall be forwarded to the dean or the
118 appropriate vice president. ~~In non-tenure-granting units, all employees in the unit shall participate in the~~
119 ~~vote and, if a majority exists, the proposed AESPs shall be forwarded to the appropriate vice president.~~

120 (3) The proposed AESPs or revisions thereto shall be reviewed by the dean or vice
121 president ~~for consistency with the missions and goals of the college or division.~~ If the dean/vice president
122 determines the proposed AESPs do not meet their ~~expectations mission and goals of the college/division,~~
123 the dean/vice president may refer them back to the department or unit for revision with a written
124 statement of the reasons for non-acceptance.

125 (4) Once the dean or vice president determines the proposed AESPs or revisions
126 ~~thereto meet the mission and goals of the college or division~~ are acceptable, they shall be forwarded to the
127 ~~president or president~~ university's representative for review to ensure they are consistent with the mission
128 and goals of the University and comply with this Agreement. If the ~~president or president~~ university's
129 representative determines that the proposed AESPs or revisions thereto ~~meet the missions and goals of the~~
130 ~~university and comply with this Agreement~~ are acceptable, they shall be approved. If not, they shall be
131 referred back to the college or division for revision by the department or unit with a written statement of
132 reasons for non-approval.

133 (5) If, one year after the initiation of the process described in this subsection, AESPs
134 acceptable to the dean/vice president and ~~president or president~~ university's representative have not been
135 approved by the department or unit, draft AESPs, committee and department votes, and comments from
136 employees, committee, and the dean/vice president shall be forwarded to the ~~president or~~
137 ~~president~~ university's representative for consideration. The ~~president or president~~ university's
138 representative shall, in conjunction with the dean/vice president and department head, and in
139 consideration of the opinions of the employees and of approved AESPs for other departments and units,
140 develop and institute new department or unit AESPs. These AESPs shall remain in place until such time
141 as new AESPs are developed and approved according to the procedure outlined in this subsection.

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

145 (7) Review of AESPs must occur on a regular basis and must begin no later than five
146 (5) years after the adoption or most recent review of those AESPs. The ~~president or president~~ university's
147 representative, the dean, or a majority of ~~the tenured~~ employees in the department or unit may initiate the
148 review of AESPs at any time. ~~In non-tenure-granting units, the vice president or a majority of the~~
149 ~~employees in the unit may initiate a review of the AESPs at any time.~~ The process for reviewing a
150 department or unit's AESPs shall be the same as the process for developing them, as described in this
151 article. The effective date for AESPs or revisions thereto shall be the start of the annual evaluation period

152 that begins after the date the AESPs or revisions are approved by the ~~president or president~~ university's
153 representative and the employees of the department or unit are so informed in writing.

154 ~~(8) — If a department or unit is in the process of developing or revising its AESPs when
155 this article is ratified, the department or unit shall begin that process anew, following the procedures
156 required by this article. If a department's or unit's AESPs are not in compliance with this article when it is
157 ratified, the department or unit shall begin the revision process required by this article no later than the
158 Fall semester 2011.~~

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160 (g) Process for and Sources of Evaluation.

161 (1) Employee Annual Report. Every year, each employee shall submit to the
162 department chair or unit head (hereafter, "evaluator") a report of the employee's performance in each area
163 of assignment. This report shall be due to the evaluator on May 7 of each year. The supervisor, may, at
164 the written request from the employee, provide an extension of up to twenty-one days to submit the
165 annual report. ~~no sooner than fourteen (14) days after the end of the evaluation period and no sooner than~~
166 ~~fourteen (14) days after receipt by the employee of all University provided materials required to produce~~
167 ~~the report, including student evaluations and department or unit and college averages for these~~
168 ~~evaluations.~~ The employee annual report may include any interpretive comments and supporting data that
169 the employee deems appropriate for evaluating the employee's performance and shall also include an up-
170 to-date and accurate CV. The employee shall submit the report in the format determined by the college.

171 (2) The evaluator shall also consider, where appropriate and available, information
172 from the following sources: immediate supervisor, peers, students, employee, other university officials
173 who have responsibility for supervision of the employee, and individuals to whom the employee may be
174 responsible in the course of a service assignment, including public school officials when the employee has
175 a service assignment to the public schools. Copies of materials to be used in the evaluation process
176 submitted by persons other than the employee shall be provided to the employee, who may attach a
177 written response within thirty days of receiving that document.

178 (3) All assigned activities for which an employee receives compensation from the
179 university, including summer assignments, shall be reported upon and evaluated. An employee may report
180 activities related to the areas of assignment that are performed during times when the employee is not
181 compensated by the university; if reported upon, these activities shall be evaluated.

182 (4) Observation/Visitation. The evaluator or the evaluator's representative may
183 conduct classroom observation/visitation in connection with the employee's evaluation. If such classroom
184 observations/visitations are conducted, no fewer than two ~~(2)~~ observations/visitations shall be completed
185 during the evaluation period.

186 a. Absent immediate concerns described below, the evaluator shall notify
187 the employee at least two ~~(2)~~ weeks ~~days~~ in advance of the date and time of any direct classroom
188 observation or visitation. If the employee determines this date is not appropriate because of the nature of
189 the scheduled class activities, the employee may suggest a more appropriate date.

190 b. If the evaluator has received a complaint or other information that gives
191 rise to immediate concerns about the conduct of the class, the evaluator or the evaluator's representative
192 may observe or visit the class at any time without notice to the employee.

193 c. Observation/visitation of online classroom settings is permitted at any
194 time under the terms of this section.

195 d. A written report of the observation/visitation shall be submitted to the
196 employee, if the employee requests a report, within two ~~(2)~~ weeks of the observation/visitation. If the
197 observation/visitation involves a course that was assigned to the employee with less than six ~~(6)~~ weeks'
198 notice, such change shall be noted in the report. The employee shall be offered the opportunity to discuss
199 the evaluation with the evaluator prior to its being finalized and placed in the employee's evaluation file
200 and may submit a written reply within thirty days of receipt, which shall be attached to the report.

201 e. Peer Assessment. An employee has the right to have the evaluator assign
202 a peer to observe/visit the employee's teaching and to have an assessment of that observation/visitation

203 included as part of the employee's annual report. A department or unit ~~AESP~~ may require peer
204 observation/visitation, which shall be carried out in accordance with the requirements of this subsection.
205 In these cases, the peer may be a colleague within the University, a retired colleague, or a colleague in the
206 same discipline from another university.

207 (5) Written Evaluation.

208 a. The proposed written annual evaluation shall be provided to the
209 employee ~~within sixty (60) days after the due date for the Employee Annual Report~~ at the start of the fall
210 semester. Annual evaluations are not required for employees who have been non-reappointed or whose
211 employment ends before December 31 of the new academic year.

212 b. The employee shall be offered the opportunity to discuss the evaluation
213 with the evaluator prior to its being finalized and placed in the employee's evaluation file. The evaluation
214 shall be signed and dated by the evaluator and by the employee, to acknowledge receipt of it. The
215 employee may attach a concise comment to the evaluation within thirty days of receipt. A copy of the
216 evaluation shall be provided to the employee.

217 c. Upon written request from the employee, the evaluator shall endeavor to
218 assist the employee in addressing any performance deficiencies.

219

220 10.2 Cumulative Progress Evaluations.

221 (a) Policy. Tenure earning or tenured ~~E~~employees eligible for consideration for promotion to
222 the rank of associate professor and/or tenure shall be informed annually of their progress toward
223 promotion and/or tenure. Each year's cumulative progress evaluation shall build upon prior cumulative
224 progress evaluations so an employee's progress toward tenure and/or promotion in a given year will be
225 viewed in the context of attainments over the entire tenure and/or promotion earning period. Employees
226 eligible for promotion to professor ~~shall may, at their option and upon written request,~~ be similarly
227 apprised of their progress toward promotion at least once prior to submitting their promotion dossier. The
228 cumulative progress evaluations are intended to provide an accurate assessment of cumulative
229 performance as leading to attainment of promotion and/or tenure, and to provide assistance and
230 counseling to candidates to help them qualify themselves for tenure and/or promotion.

231 (b) Process. All cumulative progress evaluations shall be completed during the spring
232 semester. Beginning with the second year of employment (or the first year, if tenure credit was given) and
233 continuing annually, an employee who is eligible for tenure and/or promotion to the rank of associate
234 professor shall receive a cumulative progress evaluation. Separate cumulative progress evaluations shall
235 be provided by the tenured members of the department or unit (excluding the chair/head and dean), the
236 chair/head, and dean. For cumulative evaluations of progress towards promotion to professor, only
237 tenured professors participate in the employee's evaluation. If the department or unit has fewer than three
238 tenured members or tenured professors, as appropriate, the dean may increase the committee membership
239 to three using tenured members of appropriate rank from other departments or units. If the chair/head of
240 the department or unit does not hold the rank of professor and is not a tenured member of the
241 department/unit, the dean may appoint a tenured faculty member of an appropriate rank from another
242 department/unit to serve in this role for the purpose of completing the cumulative progress evaluations
243 . The employee may request, in writing, a meeting with the chair/head and/or dean to discuss concerns
244 regarding the cumulative progress evaluation.

245 (c) Criteria.

246 (1) Progress toward the promotion to the rank of associate professor with tenure will
247 be assessed based on professional performance of teaching, research, and service, and the likelihood of
248 future contributions at or exceeding current levels of performance.

249 (2) Progress toward tenure for tenure-earning associate professors will be assessed
250 based on the professional performance of teaching, research, and service, and the likelihood of future
251 contributions at or exceeding current levels of performance.

252 (3) Progress toward tenure for tenure-earning professors will be assessed based on
253 the professional performance of teaching, research, and service, the achievement of national and/or

254 international prominence, evidence of advancing their field of study, and the likelihood of future
255 contributions at or exceeding current levels of performance.

256 (4) ~~When~~^{if} requested by the employee, progress toward the rank of professor will be
257 assessed based on the professional performance of teaching, research, and service, the achievement of
258 national and/or international prominence, evidence of advancing their field of study, and the likelihood of
259 future contributions at or exceeding current levels of performance.

261 10.3 Sustained Performance Evaluations.

262 (a) Policy. Tenured employees shall receive a sustained performance evaluation at least once
263 every ~~seven (7)~~^{three} years following the award of tenure or their most recent promotion. The purpose of
264 this evaluation is to document sustained performance during the previous ~~seven (7)~~^{three} years of assigned
265 duties to evaluate continued professional growth and development.

266 (b) Process.

267 (1) At the end of ~~seven (7)~~^{three} years of tenured or post-promotion service, and each
268 subsequent ~~seven (7)~~^{three} year period, or at any time if the employee has not maintained productivity
269 expectations, an employee's sustained performance will be evaluated. This evaluation will consist of a
270 review of the overall annual evaluation ratings ~~for that seven-year period and productivity during that~~
271 period of interest. If the employee's overall performance is deemed to be, on average, below satisfactory
272 ~~for that seven-year period~~, then the employee shall be issued a performance improvement plan. The
273 average shall be determined by assigning a value of 4 for Outstanding, 3 for Above Satisfactory, 2 for
274 Satisfactory, 1 for Conditional, and 0 for Unsatisfactory to each of the employee's annual evaluation
275 ratings over the appropriate seven-year period, and computing the numeric average. A value below 1.5
276 shall be considered below satisfactory performance. If the average value is less than 2.0, the employee's
277 performance shall be deemed below satisfactory.

278 (2) A performance improvement plan shall be developed by ~~the employee in concert~~
279 ~~with~~ the department chair or unit head and shall include specific measurable performance targets with
280 target dates that must be completed in a period of ~~two~~^{three (3)} years. The performance improvement plan
281 requires the approval of the dean and the ~~president or president~~^{university}'s representative.

282 (3) When an employee has a performance improvement plan, the department chair or
283 unit head shall provide an annual evaluation of the employee's performance on the plan. ~~The dean shall~~
284 ~~also provide a separate annual evaluation of the employee's performance on the plan.~~ Adherence to the
285 performance improvement plan, including its targets and target deadlines, shall be the sole governing
286 criteria for performance improvement plan evaluations.

287 (4) ~~The University shall provide for a process to accommodate instances when the~~
288 ~~employee and the department chair or unit head cannot agree on the elements to be included in the~~
289 ~~performance improvement plan.~~

290 (5) — It is the responsibility of the employee to attain the performance targets specified
291 in the performance improvement plan. Lack of success may result in dismissal. The employee may attach
292 a concise response to the sustained performance evaluation, the performance improvement plan, and
293 annual evaluations of performance on the sustained performance plan. Any such responses shall be
294 included in the evaluation file.

295 10.4 Proficiency in Spoken English.

296 (a) Requirement. Employees must, to be involved in classroom instruction beyond one (1)
297 semester, establish proficiency in the oral use of English, as set forth in Section 1012.93, Florida Statutes,
298 and any applicable Board of Education or Board of Governors rule or resolution.

299 (b) Deficiency. ~~For non-tenured employees found to be deficient in the oral use of English as~~
300 ~~set forth in Section 10.4(a), the University shall provide, as needed, one or two month long sessions with~~
301 ~~post-training evaluations administered through the Center for Multicultural and Multilingual Studies.~~
302 ~~Employees who require more than two sessions to speak English effectively will have to rely upon~~
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304

305 ~~personal resources to correct this deficiency.~~ Failure to correct the deficiencies may result in termination.
306 ~~This paragraph shall apply only during the first three years of employment.~~

307
308 **10.5 Employee Assistance Programs.** Neither the fact of an employee's participation in an
309 employee assistance program nor information generated by participation in the program shall be used as
310 evidence of a performance deficiency within the evaluation processes described in this Article, except for
311 information relating to an employee's failure to participate in an employee assistance program consistent
312 with the terms to which the employee and the ~~president or president~~university's representative have
313 agreed.