

**ARTICLE 10**  
**EMPLOYEE PERFORMANCE EVALUATIONS**

10.1 Annual Evaluations.

(a) **Policy.** Performance evaluations are ~~primarily intended to communicate to an employee a qualitative assessment of anthat employee's performance of assigned duties by providing written constructive feedback that will assist in improving the employee's performance and expertise.~~ Evaluations ~~and~~ 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 ~~for twelve month employees~~ shall be August 8 – August 7 of the subsequent year. The annual evaluation period for nine-month employees 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. 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 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.~~

(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 meeting responsibilities to students, imparting knowledge and skills, ~~and~~ effectiveness in stimulating students' critical thinking and/or creative abilities, ~~the~~ development or

47 revision of curriculum and course structure, and effective student performance  
48 evaluation procedures, ~~and adherence to accepted standards of professional~~  
49 ~~behavior in meeting responsibilities to students.~~ The learning objectives of each  
50 course, the means of assessing learning objectives, and the outcomes of the  
51 assessment ~~shall~~ be assessed as part of the teaching performance.

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

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

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

62  
63 (2) Contribution to the discovery of new knowledge, development of new educational  
64 techniques, and other forms of research/scholarship/creative activity.

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

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

76  
77 (3) Performance of assigned professional duties such as library instruction; ~~;~~ public and  
78 technical services librarianship; ~~;~~ library collection development; investigating, designing,  
79 delivering, assessing, and supporting online learning; ~~;~~ advising; ~~;~~ counseling; ~~;~~ and  
80 supervision as described in a the Position Description, ~~if any,~~ of the position held by the  
81 employee.

82  
83 (4) Public service that extends professional or discipline-related contributions to the  
84 community; the State, including public schools; and the national and international  
85 community. Such service includes contributions to scholarly and professional  
86 conferences and organizations, governmental boards, agencies, and commissions, ~~that are~~  
87 beneficial to such groups and individuals.

88  
89 (5) Service within the university and participation in ~~the~~ governance processes ~~of the~~  
90 institution through significant service on committees, councils, and senates, participation  
91 in regular departmental or college meetings, and attendance at commencement, ~~and the~~

92 ~~employee's contributions to the governance of the institution through participation in~~  
93 ~~regular departmental or college meetings.~~

94  
95 (6) Other assigned university duties such as academic administration.

96  
97 (e) **Annual Evaluation Standards and Procedures (AESPs)**. Each University department or  
98 unit shall maintain written AESPs by which to evaluate each employee according to the  
99 University Criteria for Annual Performance Evaluations specified in this article. AESPs shall be  
100 clarifications of the University criteria ~~in terms~~ tailored to the department or unit's discipline(s),  
101 employee positions (e.g., tenured or tenure earning, non-tenure-earning, library faculty,  
102 instructional designers), and assigned duties. These discipline-specific clarifications shall:

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

105 (2) be adaptable to ~~various~~ assigned duties, so that department employees have an  
106 equitable opportunity to ~~earn merit increases~~ achieve outstanding on annual evaluations,  
107 regardless of their assignments;

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

111 (4) be detailed enough that a reasonable employee should not be uncertain or confused  
112 about what performance or accomplishment is sufficient in teaching,  
113 research/scholarship/creative activity, professional duties commonly assigned in the  
114 department or unit, and service to earn each performance evaluation rating. ~~The~~  
115 Clarifications shall identify for each assignment area some representative examples of  
116 the achievements or performance characteristics that would earn each performance  
117 evaluation rating, consistent with an employee's assigned duties. Examples shall be  
118 included for typical assignments within the department or unit (e.g., for 4-4, 23-2 and 23-  
119 2 teaching assignments with correspondingly larger and smaller research assignments, if  
120 typically assigned), and must demonstrate the equitable opportunity required by (2)  
121 above.

122  
123 (f) **Process for developing AESPs.**

124 (1) In tenure-granting departments or units, a committee of six ~~(6)~~ members including  
125 four ~~(4)~~ tenured unit employees from the department or unit elected by ~~the all tenured~~  
126 employees in the department or unit ~~who are subject to the AESPs~~, the department chair  
127 or unit head, and one employee representative appointed by the dean will develop, ~~or~~  
128 revise or review AESPs. If such a department or unit has ~~less~~ fewer than four ~~(4)~~ tenured  
129 employees, the entire department or unit shall serve on the committee, along with the  
130 department chair or unit head and one member-employee appointed by the dean. In non-  
131 tenure-granting units, the committee will consist of four ~~(4)~~ unit employees from the unit  
132 elected by the employees in the unit, along with the unit head and one member-employee  
133 appointed by the appropriate vice president.

134 (2) ~~In tenure-granting departments or units, tenured~~ All employees in the department or  
135 unit shall propose AESPs or changes thereto as developed by the committee by a majority  
136 vote in a secret ballot. ~~If such a department or unit has fewer than four (4) tenured~~  
137 employees, all employees in the department or unit shall participate in the vote until such

138 ~~time as the department or unit has four (4) or more tenured employees.~~ If a majority  
139 exists, the proposed AESPs shall be forwarded to the dean or vice-president, as if  
140 appropriate. ~~In non-tenure granting units, all employees in the unit shall participate in the~~  
141 ~~vote and, if a majority exists, the proposed AESPs shall be forwarded to the appropriate~~  
142 ~~vice president.~~

143 (3) The proposed AESPs or revisions thereto shall be reviewed by the dean or vice  
144 president for consistency with the missions and goals of the college or division. If the  
145 dean/vice president determines the proposed AESPs do not meet the mission and goals of  
146 the college/division, the dean/vice president may refer them back to the department or  
147 unit for revision with a written statement of the reasons for non-acceptance.

148 (4) Once the dean or vice president determines the proposed AESPs or revisions thereto  
149 meet the mission and goals of the college or division, they shall be forwarded to the  
150 president or president's representative and to the UFF Chapter President for review to  
151 ensure they are consistent with the mission and goals of the University and comply with  
152 this Agreement. If the president or president's representative and the UFF Chapter  
153 President determines that the proposed AESPs or revisions thereto meet the missions and  
154 goals of the university and comply with this Agreement, they shall be approved. If not,  
155 they shall be referred back to the ~~college or division for revision by the department or~~  
156 ~~unit~~ for revisions, with a written statement of reasons for non-approval.

157 ~~(5) If, one year after the initiation of the process described in this subsection, AESPs~~  
158 ~~acceptable to the the university and the UFF dean/vice president and president or~~  
159 ~~president's representative have not been approved by the department or unit, draft~~  
160 ~~AESPs, committee and department votes, and comments from employees, committee,~~  
161 ~~and the dean/vice president shall be forwarded to the president or president's~~  
162 ~~representative for consideration. The president or president's representative shall, in~~  
163 ~~conjunction with the dean/vice president and department head, and in consideration of the~~  
164 ~~opinions of the employees and of approved AESPs for other departments and units,~~  
165 ~~develop and institute new department or unit AESPs. These AESPs shall remain in place~~  
166 ~~until such time as new AESPs are developed and approved according to the procedure~~  
167 ~~outlined in this subsection.~~

168 ~~(5) Approved AESPs and revisions thereto shall be kept on file in the department or unit~~  
169 ~~office. Upon written request, employees in each department or unit shall be provided an~~  
170 ~~electronic copy of that department or unit's current AESPs annually. Upon the~~  
171 ~~commencement of employment, all new employees will be provided with a copy of that~~  
172 ~~unit or department's current AESPs.~~

173 (7) Review of AESPs ~~must occur on a regular basis and shall~~ must begin ~~no later than five~~  
174 ~~(5) six~~ years after their adoption or most recent review ~~of those AESPs. The president or~~  
175 ~~president's representative, the dean/vice president, or a majority of the tenured~~  
176 ~~employees in the department or unit may initiate AESP~~ the review of AESPs at any time.  
177 In non-tenure granting units, the vice president or a majority of the employees in the unit  
178 may initiate a review of the AESPs at any time. The process for reviewing a department  
179 or unit's AESPs shall be the same as the process for developing them, as described in this  
180 article. The effective date for AESPs or revisions thereto shall be the start of the annual  
181 evaluation period that begins after the date the AESPs or revisions are approved by the  
182 president or president's representative and the UFF Chapter President and the employees  
183 of the department or unit are so informed in writing.

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

**(g) Process for and Sources of Evaluation.**

(1) Employee Annual Report. Every year, each employee shall submit to the department chair or unit head (hereafter, "evaluator") a report of the employee's performance in each area of assignment. This report shall be due to the evaluator on the last day of the employee's annual contract. ~~no sooner than the fourteen (14) days after the end of the evaluation period and no sooner than fourteen (14) days after receipt by the employee of all University provided materials required to produce the report, including student evaluations and department or unit and college averages for these evaluations.~~ The employee annual report may include any interpretive comments and supporting data that the employee deems appropriate for evaluating the employee's performance.

(2) The evaluator shall also consider, where appropriate and available, information from the following sources: immediate supervisor, peers, students, employee, other university officials who have responsibility for supervising ~~in~~ the employee, and individuals to whom the employee may be responsible in the course of a service assignment, including public school officials when the employee has a service assignment to the public schools. Copies of materials to be used in the evaluation process submitted by persons other than the employee shall be provided to the employee, who may attach a written response.

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

(4) Observation/Visitation. Upon written request from the employee, ~~T~~the evaluator or the evaluator's representative may conduct classroom observation/visitation in connection with the employee's evaluation. ~~If such classroom observations/visitations are conducted, no fewer than two (2) observations/visitations shall be completed during the evaluation period.~~

a. ~~Absent immediate concerns described below, t~~The evaluator employee shall ~~notify request observation/visitation the employee~~ at least fourteen days ~~two (2) weeks~~ in advance ~~of the date and time, of any direct classroom observation or visitation.~~ If the employee evaluator determines this date is not appropriate ~~because of the nature of the scheduled class activities~~ based on their schedule and availability, the employee may suggest a more appropriate date.

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

eb. An employee may request an Observation/visitation of an online classroom settings is permitted under in accordance with the terms of this section.

dc. A written report of the observation/visitation shall be submitted to the employee within fourteen days ~~two (2) weeks~~ of the observation/visitation. If the

230 observation/visitation involves a course that was assigned to the employee with  
231 less than six ~~(6)~~ weeks' notice, such change shall be noted in the report. The  
232 employee shall be offered the opportunity to discuss the evaluation with the  
233 evaluator prior to its being finalized and placed in the employee's evaluation file  
234 and may submit a written reply, which shall be attached to the report.

235 ~~de.~~ Peer Assessment. An employee has the right to have the evaluator assign a  
236 peer to observe/visit the employee's teaching and to have an assessment of that  
237 observation/visitation included as part of the employee's annual report. A  
238 department or unit AESP may require peer observation/visitation, which shall be  
239 carried out in accordance with the requirements of this subsection. In these cases,  
240 the peer may be a colleague within the University, a retired colleague, or a  
241 colleague in a comparable ~~the same~~ discipline from another university  
242

#### 243 (5) Written Evaluation.

244 a. The proposed written annual evaluation shall be provided to the employee  
245 within sixty ~~(60)~~ days after the due date for the Employee Annual Report.

246 b. The employee shall be offered the opportunity to discuss the evaluation with  
247 the evaluator prior to its being finalized and placed in the employee's evaluation  
248 file. The evaluation shall be signed and dated by the evaluator and by the  
249 employee, to acknowledge receipt of it. The employee may attach a ~~concise~~  
250 comment to the evaluation. A copy of the evaluation shall be provided to the  
251 employee.

252 c. Upon written request from the employee, the evaluator shall endeavor to assist  
253 the employee in addressing any performance deficiencies.  
254

### 255 10.2 Cumulative Progress Evaluations.

256 (a) **Policy.** Employees eligible for consideration for promotion to the rank of associate professor  
257 and/or tenure shall be informed annually of their progress toward promotion and/or tenure. Each  
258 year's cumulative progress evaluation (CPE) shall build upon prior cumulative progress  
259 evaluations so an employee's progress toward tenure and/or promotion in a given year will be  
260 viewed in the context of attainments over the entire tenure and/or promotion earning period.

261 Employees eligible for promotion to professor may, at their option and upon written request, be  
262 similarly apprised of their progress toward promotion. ~~C~~The cumulative progress evaluations are  
263 intended to provide an accurate assessment of cumulative performance as leading to attainment  
264 of promotion and/or tenure, and to provide assistance and counseling to candidates to help them  
265 qualify themselves for tenure and/or promotion.

266 (b) **Process.** All ~~CPE~~ cumulative progress evaluations shall be completed during ~~the~~ spring  
267 semester. Beginning with the second year of employment (or the first year, if tenure credit was  
268 given) and continuing annually, an employee ~~who is~~ eligible for tenure and/or promotion to the  
269 rank of associate professor shall receive a ~~CPE~~ cumulative progress evaluation. Separate  
270 ~~CPE~~ cumulative progress evaluations shall be provided by the tenured members of the  
271 department or unit (excluding the chair/head and dean), the chair/head, and dean. For  
272 ~~CPE~~ cumulative evaluations of progress towards promotion to professor, only tenured professors  
273 participate in the employee's evaluation. If the department or unit has fewer than three tenured  
274 members or tenured professors, as appropriate, the dean may increase the committee membership  
275 to three using tenured members of appropriate rank from other departments or units. The

276 employee may request, in writing, a meeting with the chair/head and/or dean to discuss concerns  
277 regarding the ~~CPE cumulative progress evaluation~~.

278 (c) **Criteria.**

279 (1) Progress toward ~~the~~ promotion to ~~the rank of~~ associate professor with tenure will be  
280 assessed based on professional performance of teaching, research, ~~and~~ service, and other  
281 applicable duties (e.g., administrative duties), and the likelihood of future contributions at  
282 or exceeding current levels of performance.

283 (2) Progress toward tenure for tenure-earning associate professors will be assessed based  
284 on ~~the~~ professional performance of teaching, research, ~~and~~ service, and other applicable  
285 duties, and the likelihood of future contributions at or exceeding current levels of  
286 performance.

287 (3) Progress toward tenure for tenure-earning professors will be assessed based on ~~the~~  
288 professional performance of teaching, research, and service, ~~the~~ achievement of national  
289 and/or international prominence, evidence of advancing their field of study, and the  
290 likelihood of future contributions at or exceeding current levels of performance.

291 (4) If requested by the employee, progress toward the rank of professor will be assessed  
292 based on the same criteria as in Section (c)(3). the professional performance of teaching,  
293 research, and service, and other applicable duties, the achievement of national and/or  
294 international prominence, evidence of advancing their field of study, and the likelihood of  
295 future contributions at or exceeding current levels of performance.

297 **10.3 Sustained Performance Evaluations.**

298 (a) **Policy.** Tenured employees shall receive a sustained performance evaluation once every  
299 seven ~~(7)~~ years following the award of tenure or their most recent promotion. The purpose of this  
300 evaluation is to document sustained performance during the previous seven ~~(7)~~ years of assigned  
301 duties to evaluate continued professional growth and development.

302 (b) **Process.** ~~At the end of seven (7) years of tenured or post-promotion service, and each~~  
303 ~~subsequent seven (7) year period, an employee's sustained performance will be evaluated. The~~  
304 Sustained Performance is evaluation will consist of a review of the overall annual evaluation  
305 ratings for that seven-year period. ~~If the employee's overall performance is, on average, below~~  
306 satisfactory for that seven-year period, then the employee shall be issued a performance  
307 improvement plan. The average shall be determined by assigning a value of 4 for Outstanding, 3  
308 for Above Satisfactory, 2 for Satisfactory, 1 for Conditional, and 0 for Unsatisfactory to each of  
309 the employee's annual evaluation ratings over the seven-year period and computing the  
310 arithmetic mean~~numeric average~~. ~~If the employee's mean~~overall performance is, on average,  
311 below 1.5, their sustained performance is considered below satisfactory and for that seven-year  
312 period, then the employee shall be issued a performance improvement plan. A value below 1.5  
313 shall be considered below satisfactory performance, which shall result in the creation of a  
314 performance improvement plan. See Article \_\_\_\_ for the process related to a performance  
315 improvement plan.

316 ~~(2) A performance improvement plan shall be developed by the employee in concert with the~~  
317 ~~department chair or unit head and shall include specific measurable performance targets with~~  
318 ~~target dates that must be completed in a period of three (3) years. The performance improvement~~  
319 ~~plan requires the approval of the dean and the president or president's representative.~~

320 ~~(3) When an employee has a performance improvement plan, the department chair or unit head~~  
321 ~~shall provide an annual evaluation of the employee's performance on the plan. The dean shall~~

322 also provide a separate annual evaluation of the employee's performance on the plan. Adherence  
323 to the performance improvement plan, including its targets and target deadlines, shall be the sole  
324 criteria for performance improvement plan evaluations.

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

328 (5) It is the responsibility of the employee to attain the performance targets specified in the  
329 performance improvement plan. Lack of success may result in dismissal. The employee may  
330 attach a concise response to the sustained performance evaluation, the performance improvement  
331 plan, and annual evaluations of performance on the sustained performance plan. Any such  
332 responses shall be included in the evaluation file.

#### 333 10.4 Proficiency in Spoken English.

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

337 (b) **Deficiency.** ~~For non-tenured employees found to be deficient in the oral use of English as set~~  
338 ~~forth in Section 10.4(a), the University shall provide, as needed, one or two month long sessions~~  
339 ~~with post-training evaluations administered through the Center for Multicultural and Multilingual~~  
340 ~~Studies. Employees who require more than two sessions to speak English effectively will have to~~  
341 ~~rely upon personal resources to correct this deficiency. Failure to correct the deficiencies may~~  
342 ~~result in termination. This paragraph shall apply only during the first three years of employment.~~

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344  
345 10.5-4 Employee Assistance Programs. Neither the fact of an employee's participation in an  
346 employee assistance program nor information generated by participating in the program shall  
347 be used as evidence of a performance deficiency within the evaluation processes described in this  
348 Article, except for information relating to an employee's failure to participate in an employee  
349 assistance program consistent with the terms to which the employee and the president or  
350 president's representative have agreed.