

ARTICLE ~~112~~

## EVALUATION FILE

~~112.1~~ Policy. ~~There shall be one (1)~~ evaluation file shall containing a dated copy of all documents used in the evaluation process, other than evaluations for tenure and/or promotion. Only documents contained in the evaluation file may shall be used for evaluations and personnel decisions, other than tenure and/or promotion. When evaluations and other personnel decisions are made, other than for tenure and/or promotion, the only documents which may be used are those contained in that file. Such ~~D~~documents shall be placed in the evaluation file within two days a reasonable time after of receipt by the file's custodian ~~of the file~~.

~~112.2~~ Access. An employee may examine the evaluation file, ~~upon reasonable advance notice,~~ during ~~the~~ regular business hours of the office in which the file is kept, ~~normally within the same business day as the employee requests to see it, and~~ under such conditions as are necessary to insure its integrity and safekeeping. ~~The~~ Upon request, an employee may paginate with successive whole numbers the materials in the file, and may attach a concise statement in response to any item therein. Upon request, A ~~The~~ employee is entitled to one (1) free copy iesy of any material in the evaluation file. ~~Additional copies may be obtained by the employee upon the payment of a reasonable fee for photocopying.~~ A person with written authorization from designated by the employee may examine the that employee's evaluation file, with the written authorization of the employee concerned, and subject to the same access limitations ~~on access that are~~ applicable to the employee.

~~112.3~~ Indemnification. The UFF agrees to indemnify and hold the University, its officials, agents, and representatives harmless from and against any and all liability for any improper, illegal, or unauthorized use by the UFF of information contained in such evaluation files.

~~112.4~~ Use of Evaluative Materials. ~~In the event a grievance is filed proceedings,~~ the University, UFF grievance representatives, the arbitrator, and the grievant shall have the right to use, ~~in the grievance proceedings,~~ copies of materials from the employee's grievant's evaluation file in grievance proceedings.

~~112.5~~ Anonymous Material. ~~There shall be n~~ No anonymous material shall be 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.

~~112.6~~ Peer Committee Evaluations. Evaluative materials prepared by peer committees as part of a regular evaluation system, or summaries thereof, ~~prepared by peer committees as part of a regular evaluation system,~~ may be placed in thean evaluation file when signed by a representative of the committee.

~~112.7~~ Removal of Contents. Materials shown to be contrary to fact shall be removed from the file within 24 hours. This section shall not authorize ~~the~~ removal of materials from the evaluation

47 file when there is a dispute concerning a matter of judgment or opinion rather than fact.  
48 Materials may also be removed pursuant to ~~the~~ resolution of a grievance.

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50 ~~112.8~~ Limited Access Information. ~~Pursuant to~~ Florida Statute 1012.91, restricts access to  
51 records that the university may maintain on its employees.

52 (a) Any records or portions thereof that are otherwise confidential by law, remain  
53 confidential.

54 (b) Records containing information reflecting academic evaluation of employee  
55 performance, and ongoing investigations of employee misconduct or disciplinary action,  
56 shall be available for inspection only by the employee ~~and, the employee's representative,~~  
57 University officials responsible for supervising the employee.

58 (c) Records containing information about an ongoing investigation of employee misconduct  
59 or disciplinary action shall be available for inspection only by the employee and  
60 University officials responsible for supervising the employee. ~~who use the information in~~  
61 carrying out their responsibilities, peer committees responsible for evaluating employee  
62 performance, those investigating the possibility of discrimination or retaliation,  
63 arbitrators or others engaged by the parties to resolve disputes, and others by court order.

64 (d) ~~Records maintained for the purpose of an ongoing grievance proceeding also are~~  
65 confidential and open to inspection only by the employee and by university officials  
66 conducting the grievance evaluation.

67 (e) Once a final decision is made, records maintained for the purposes of investigations of  
68 employee misconduct, disciplinary action, and grievance proceedings become open for  
69 inspection.

70 (f) For sexual harassment investigations, portions of records that identify or could  
71 reasonably lead to the identification of the complainant or witness, are limited-access  
72 records.

73 (g) Except as required for use by the university president in discharging his or her official  
74 duties, the custodian of limited-access records may release information from the records  
75 in a-f above only upon written authorization of the employee or by order of a court of  
76 competent jurisdiction.

77 (a)(h) ~~However, such~~ limited access status shall not apply to summary data, by course,  
78 for the common "core" items contained in Student Perception of Instruction~~student~~  
79 course evaluations, ~~which have been selected as such by the University and made~~  
80 available to the public on a regular basis.