

ARTICLE 10**EMPLOYEE PERFORMANCE EVALUATIONS****10.1 Annual Evaluations.**

~~(a) — Policy.~~ Performance evaluations are primarily intended to communicate to an employee an assessment of that employee's performance of assigned duties by providing ~~written~~ constructive written feedback ~~that will assist in improving the employee's.~~ The annual performance evaluation shall be based upon the performance of professional assigned duties and expertise shall consider the nature of the assignments and quality of the performance. In cases of atypical assignments (such as a sabbatical), the supervisor may adapt the assessment of an employee's performance to reflect that assignment. 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 according to the University Criteria for Annual Performance Evaluations (Section 10.1(d) below).~~

~~(b)~~ **Annual Evaluation Period.** The annual evaluation period shall ~~be the~~ begin May 8 of academic year, beginning August 8th, and shall include the preceding summer, as and end at the close of the following Spring semester, on May 7 of the following year. Each employee's performance shall be evaluated in writing by an appropriate administrator at least once annually.

(b) Employee Annual Report. Every year, each employee shall submit to the department chair or unit head (or "evaluator") a report of the employee's performance in each area of assignment. This report shall be due to the evaluator by May 7 of each year. The evaluator, may, at the written request from the employee, provide an extension of up to twenty-one days to submit the annual report. ~~The evaluation period~~ The employee's annual report may include any interpretive comments and supporting data that the employee deems appropriate for evaluating the employee's performance and shall also include an up-to-date and accurate CV. The employee shall submit the report in the format determined by the college. ~~research may be longer. Failure to provide the complete annual report by these deadlines may result in the evaluator finalizing the than one year if specified in the approved Annual Evaluation Standards and~~

Commented [CP1]: Language retained from 10.1(a) and some language moved to 10.1(a) from old 10.1(d); slight alteration in sentence.

Commented [CP2]: New language needed to provide flexibility for varied circumstances. (codifies practice)

Commented [CP3]: Same language as 10.1(a); no change.

Commented [CP4]: Less clear old 10.1(b) included "shall include the preceding summer" language.

Commented [CP5]: Moved from 10.1(a) to more appropriate section.

Commented [CP6]: Moved from old 10.1(g)(1).

~~Procedures. The annual evaluation based only on the information available to the evaluator period used to distinguish between ratings of Conditional and Unsatisfactory in any area of assignment may be longer than one year.~~

Commented [CP7]: Old 10.1(b) updated and moved to new 10.9

Commented [CP8]: New: Codifies existing practice of performing the eval when annual report not provided.

(c) **Evaluation Ratings.** Evaluations shall use the rating categories of ~~o~~ Outstanding, ~~a~~ Above ~~s~~ Satisfactory, ~~s~~ Satisfactory, ~~e~~ Conditional, and ~~u~~ Unsatisfactory in each area of assignment and for the overall evaluation.

(d) **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~~ An employee ~~to must~~ receive a minimum rating of Satisfactory in each area of assignment with an assignment assigned of effort of five percent (5%) or more in order to receive an overall rating of Satisfactory or above.

Commented [CP9]: From old 10.1(c) which addresses differences in calculating the overall evaluation from individual categories. Notifies the employee up front the consequences of not achieving S in all areas of assignment. Substantive change to make 5% rule mandatory.

(e) **Issuance of Annual Evaluation.** The proposed written annual evaluation shall be provided to the employee by August 8 of each year. Annual evaluations are not required for employees who have been non-reappointed or whose employment will end before December 31 of the new academic year. ~~An employee who was not assigned to work for the university during the evaluation period shall receive a default overall evaluation of Satisfactory. (For example, a 9-month employee who was not provided an assignment during the summer, followed by a paid or unpaid leave for the academic year would receive a default evaluation of Satisfactory.)~~

Commented [CP10]: Moved from old 10.1(g) (5) where it was difficult to find.

~~The employee shall be offered the opportunity to discuss the evaluation with the evaluator prior to its being finalized and placed in the employee's evaluation file. The evaluation shall be signed and dated by the evaluator, and by the employee, to must acknowledge receipt of it. The employee may attach a concise comment to the evaluation within thirty days of receipt.~~ (d) — ~~University Criteria for Annual Performance Evaluations. The annual performance~~ A copy of the complete, finalized evaluation shall be based upon the professional performance of assigned duties and shall carefully consider the nature of provided to the employee. Upon written request from the employee, the evaluator shall endeavor to assist the employee in addressing any performance deficiencies. Evaluations not acknowledged by the employee shall be finalized 30 days after issuance.

Commented [CP11]: Codifies our current practice. New language.

Commented [CP12]: Aligns with Interfolio process

Commented [CP13]: Old 10.1(g)(5). Very slight change for electronic processing (must acknowledge receipt)

Commented [CP14]: Codifies our current practice. New language.

10.2 Sources of Annual Evaluation. 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 assignments that are performed when the employee is not compensated by the university; if reported upon, these activities shall be evaluated.

Commented [CP15]: Old 10.1(g)(3), moved; very slight alteration.

The evaluator considers information from various sources: immediate supervisor (if different from the evaluator); peers; students; employees; other university officials who have responsibility for supervision of, or business-related interaction with, 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. The information provided by these other sources is not based upon a review of the employee's annual report, but is regarded as feedback on the employee's performance and is not based on a review of the employee's annual report.

Commented [CP16]: Old 10.1(g)(2); language changed "evaluator shall also ... appropriate and available" for simplicity. + "business-related"

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 within thirty days of receiving that document.

Commented [CP17]: New language - info is not from annual rept.

The evaluator shall consider the quality and productivity of the an employee's professional performance in terms, where applicable, of: the following categories:

Commented [CP18]: Old 10.1(g)(2) - not needed, deleted.

(1a) Teaching effectiveness, including (Instruction & Advisement). Teaching effectiveness includes effectiveness in imparting knowledge, information, and ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration, laboratory exercise, workshop, and practical experience, student perceptions of instruction, assessment of and engagement with student work, and direct consultation with students. Student Perceptions of Instruction may not be the sole method of gauging employee teaching effectiveness. The evaluator shall consider all available information in forming an assessment of teaching effectiveness. Examples of this information includes:

Commented [CP19]: Taken from 10.1(d), condensed.

Commented [CP20]: Term used on the evaluation document.

a. The evaluation shall include consideration of effectiveness in imparting knowledge and skills, and 1. Consideration of effectiveness in stimulating students' critical thinking and/or creative abilities, the development or revision of curriculum and course structure, effective assessment of student performance evaluation procedures, and adherence to accepted standards of professional behavior in meeting responsibilities to students. The learning objectives of each

Commented [CP21]: New language. Codifies practice.

Commented [CP22]: Old 10.1(d)(1)(d).

Commented [CP23]: Removes repetition, not changing meaning

Commented [CP24]: Eliminates confusion with SPoIs

course, the means of assessing learning objectives, and the outcomes of the assessment should be ~~assessed~~ considered as part of the teaching performance.

~~b. The evaluation shall include consideration~~ 2. Consideration of other assigned university teaching duties, such as advising, counseling, supervision, or duties of the position held by the employee.

~~c. The department chair or unit head (or "evaluator") shall take into account any~~ 3. Any relevant materials submitted by the employee such as class notes, syllabi, student exams and assignments, an employee's teaching portfolio, results of peer evaluations of teaching, and any other materials relevant to the employee's instructional assignment.

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

~~(2)(b) Research/Creative Activity.~~ Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of research/scholarship/creative activity. Examples of this information includes:

~~a.1.~~ Evidence of research/scholarship/creative activity, either print or electronic, shall include, but not be limited to, as appropriate, published books; chapters in books; articles and papers in professional journals; musical compositions, paintings, sculpture; works of performing art; papers presented at meetings of professional societies; funded grant activities; reviews; and research and creative activity that has not yet resulted in publication, funding, display, or performance.

~~b.2. The evaluation shall include c~~ Consideration of the quality and ~~quantity~~ productivity of the employee's research/scholarship and other creative programs and contributions during the evaluation period, and recognition by the academic or professional community of what has been accomplished.

~~(3) Performance of assigned professional duties.~~ (c) Service and Performance of assigned professional duties. Service and/or professional development work may be assigned to employees. Examples of this information includes:

~~(41).~~ Public service that extends professional or discipline-related contributions to the community; the state, including public schools; and the national and international community. Such service includes contributions to scholarly and professional conferences and organizations, governmental boards, agencies, and commissions that are beneficial to such groups and individuals.

Commented [CP25]: Just to have a different word than assessment.

Commented [CP26]: Not just submissions - productive contributions (addition of "productivity", deletion "quantity")

Commented [CP27]: Since this is on the AA-17 as a header, combined the service concepts and the performance of assigned prof duties together as they are in that document. No change to substance.

~~(5)~~ 2. University Service. Service within the university and participation in the governance processes of the institution through significant service on committees, councils, and senates, attendance at commencement, and the employee's contributions to the governance of the institution through active participation in regular departmental and/or college meetings.

~~(6)~~ 3. Professional Development as assigned, including goals for the annual evaluation period, if agreed upon.

(d) Other assigned university duties, such as academic administration.

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

10.2 Process for collecting evaluative information through observation or peer assessment.

(a) Planned Classroom Observation/Visitation. The evaluator or the evaluator's representative may conduct classroom observations/visitations in connection with the employee's evaluation. If such classroom observations/visitations are to be used in the annual evaluation ~~conducted~~, no fewer than two observations/visitations shall be completed during the evaluation period.

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

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.

2. Observation/visitation of online classroom settings is permitted at any time.

3. A written report summary of the observation/visitation shall be submitted to the employee, if the employee requests a report, within two weeks of the observation/visitation. If the observation/visitation involves a course that was assigned to the employee with less than six weeks' notice, the date of notice such change shall be included noted in the report. The employee shall be offered the opportunity to discuss the evaluation summary with the evaluator or

Commented [CP28]: New language for setting goals, credit.

Commented [CP29]: Provides example.

Commented [CP30]: Moved to the end, since this activity is not evaluated. Language unchanged.

Commented [CP31]: It made sense to provide this information separately, rather than subsuming it in the area focused on teaching effectiveness. Entire section moved from old 10.1(g)(4) without changes.

Commented [CP32]: Must have 2 to include observations in the annual evaluation

Commented [CP33]: A few changes for clarity; nothing substantive.

Commented [CP34]: Updated language for clarity.

171 evaluator's representative prior to its being finalized and placed in the employee's
 172 evaluation file; and the employee may submit a written reply within thirty days of
 173 receipt, which shall be attached to the report summary.

174 4. Peer Assessment. An employee has the right to have the evaluator
 175 assign a peer to observe/visit the employee's teaching and to have an assessment
 176 of that observation/visitation included as part of the employee's annual report. A
 177 department or unit may require peer observation/visitation, which shall be
 178 carried out in accordance with the requirements of this subsection. In these
 179 cases, the peer may be a colleague within the University, a retired colleague, or a
 180 colleague in the same discipline from another university.

181 10.3 Required Proficiency in Spoken English. Employees must, to be involved in
 182 classroom instruction beyond one (1) semester, employees must establish
 183 proficiency in the oral use of English, as set forth in Section 1012.93, Florida
 184 Statutes, and any applicable Board of Education or Board of Governors rule or
 185 resolution. Uncorrected deficiencies may result in termination.

186 10.4 Employee Assistance Programs. An employee's participation in an employee
 187 assistance program or information generated by participation in the program shall
 188 not be used as evidence of a performance deficiency within the evaluation
 189 processes described in this Article. However, if an employee fails to participate in
 190 an employee assistance program consistent with a prior agreement between the
 191 employee and the supervisor, that information may be included in the evaluation.

192 10.5 Cumulative Progress Evaluations (CPE). Cumulative progress evaluations
 193 are intended to provide an accurate consideration of cumulative performance
 194 leading to attainment of tenure and/or promotion, and to provide assistance and
 195 counseling to candidates to help them qualify themselves for tenure and/or
 196 promotion. For those seeking tenure, CPEs focus only on the tenure-earning
 197 period. For consideration of promotion only, the quality and productivity of an
 198 employee's body of work is assessed, including recognition by the academic or
 199 professional community of what the employee has accomplished.

200 (a) Assessment of progress towards tenure/promotion.

201 1. Cumulative progress toward promotion to the rank of associate
 202 professor will be assessed annually based on professional performance of
 203 teaching, research, and service, and the likelihood of future contributions at or

Commented [CP35]: Information is not in a subsection, sentence not needed.

Commented [CP36]: Combined 10.4 (a) and (b) for this section, non-substantive language change.

Commented [CP37]: Language from 10.4 - moved. Last sentence condensed from 10.4(b).

Commented [CP38]: Moved from old 10.5, sentence broken up for readability. Same idea, different phrasing.

Commented [CP39]: Slightly updated.

Commented [CP40]: This section promoted from old 10.2 (a).

Commented [CP41]: Replaces "was" - non-substantive.

Commented [CP42]: New language to assist in understanding how the process is for both T & TE and those only seeking promotion.

Commented [CP43R42]: This part is essentially copied (restated) from the explanation of research/creative evaluation consideration (10.1(d)(2)b.):
"...consideration of the quality and quantity of the employee's research/scholarship and other creative programs and contributions during the evaluation period, and recognition by the academic or professional community of what has been accomplished."

204 exceeding current levels of performance. **Associate professors** who request a CPE
 205 **for promotion** will also be assessed on the achievement of national and/or
 206 international prominence and evidence of advancing their field of study.

207 2. Cumulative progress toward **tenure for tenure-eligible employees** will
 208 be assessed annually. These CPEs will be based on the cumulative impact of the
 209 professional performance of teaching, research, and service, and the likelihood of
 210 future contributions at or exceeding current levels of performance. **Tenure**
 211 **eligible employees seeking tenure** will also be assessed on the achievement of
 212 national and/or international prominence and evidence of advancing their field of
 213 study.

214 (b) **CPE Eligibility**. **Tenure-eligible employees** shall be informed annually of their
 215 progress toward promotion and/or tenure. Each year's cumulative progress
 216 evaluation shall build upon prior cumulative progress evaluations, so an
 217 employee's progress toward tenure and/or promotion in a given year will be
 218 viewed in the context of attainments over the entire tenure and/or promotion
 219 earning period. **Tenured employees eligible for promotion to professor** may, at
 220 their option and upon written request, be apprised of their progress toward
 221 promotion through the CPE process.

222 (c) **CPE Progression**. Beginning with the second year of employment (or the first
 223 year, if tenure credit was given) and continuing annually, an employee who is
 224 eligible for **tenure** shall receive a cumulative progress evaluation. Separate
 225 cumulative progress evaluations shall be provided by the tenured members of the
 226 department or unit (excluding the chair/head and dean), the chair/head, and
 227 dean. All cumulative progress evaluations shall be completed during the spring
 228 semester. An employee may request, in writing within 30 days of its receipt, a
 229 meeting with the chair/head and/or dean to discuss concerns regarding the
 230 cumulative progress evaluation.

231 (d) **CPE Process**. Barring a conflict of interest leading to recusal, all tenured
 232 faculty in the unit are expected to participate in the evaluation of an employee's
 233 CPE materials. However, associate professors shall not participate in cumulative
 234 evaluations of progress for an individual being considered for **promotion to**
 235 **professor**. If the department or unit has fewer than three tenured members or
 236 tenured professors, as appropriate, to evaluate the tenure/promotion of an

Commented [CP44]: This language is a result of condensing (2) and (3) of old 10.2(c)(2). Substance is unchanged.

Commented [CP45]: This is a result of condensing (2) and (3) of old 10.2(c)(2). Substance is unchanged.

Commented [CP46]: Header changed from "Policy" in old 10.2(a) to "Eligibility" information, which is what this section is actually talking about. Minor language updates.

Commented [CP47]: Potential conflict for COBA with 2-2 to 3-3 load if no CPE

Commented [CP48]: New header for clarity. Language from old 10.2(b). ("Process" to "CPE Progression")

Commented [CP49]: Sets time in the process for research/clinical promotions to be started (old 10.2(b))

Commented [CP50]: New language to codify practice.

Commented [CP51]: Old 10.2(b) broken up into previous section (b) above and this section (c). No new language

Commented [CP52]: There is only one tenured assistant professor left at UCF, so this language might be ready for a refresh to ignore that possibility.

Commented [CP53]: This is new language for the same concept as old 10.2(b): codifies practice.

individual in the unit, the dean may increase the committee membership to three using tenured members of appropriate rank from other departments or units. If the chair/head of the department or unit does not hold the rank of professor, or is not a tenured member of the department/unit, the dean may appoint a tenured faculty member of an appropriate rank from another department/unit to serve in this role for the purpose of completing the cumulative progress evaluations.

Commented [CP54]: Same language as 10.2(b) (no changes)

10.6 Post Tenure Review (PTR) Procedures. The Board of Governors of the State of Florida enacted a post-tenure review requirement effective March 29, 2023.

(a) Timing. Each tenured faculty member will have a comprehensive post-tenure review of five years of performance in the fifth year following the last promotion or the last comprehensive post-tenure review, whichever is later. For faculty hired with tenure, the hire date will constitute the date of the last promotion. Necessarily, there is a five-year period of phasing-in the post-tenure review process.

(b) Eligibility/Participation. All tenured faculty members are required to participate every five years except those that are already participating in the transition-to-retirement program (T2RP), and faculty with an irrevocable resignation date within the same academic year as the review. Another exception includes faculty approved for more than 160 hours of authorized leave during one semester within the five-year period of review. Employees who were serving more than 50% of their assigned FTE in a non-unit administrative role will undergo post-tenure review in the fifth year following a return to a predominantly non-administrative faculty appointment.

Commented [CP55]: Replaces the proposed word "eligible" in this first line of (b)

Commented [CP56]: Aligns with 4-410 to be a "semester"

(c) Review Requirements. The PTR will assess the faculty member's performance in assigned teaching, research/creative work, service, and other responsibilities for sustained contributions in the previous five years. Utilizing the criteria relevant to the faculty member, the PTR is expected to rate the:

Commented [CP57]: If employee's research is interrupted by a lengthy approved leave, this could change the 5yr clock.

Commented [CP58R57]: Handled in (b) above.

1. Level of accomplishment and productivity relative to assigned duties in research and creative activities, teaching, and service, and other assigned responsibilities, including clinical and administrative assignments.

2. History of professional conduct (positive and negative) (inclusive of the review requirements in BOG Regulation 10.003) and performance of academic responsibilities to the university and its students.

271 (d) Performance Rating Categories. The rating categories shall be: Exceeds
272 expectations, Meets expectations, Does not meet expectations, and
273 Unsatisfactory.

274 (e) Process Requirements. Materials will include complete, current, and
275 accurate materials that highlight accomplishments and demonstrates
276 performance relative to assigned duties over the evaluation period. Dossiers must
277 be submitted in an approved format by the employee in time to meet published
278 deadlines. If, by the expiration of the submission deadline, a section is not
279 provided, the evaluator may make a decision based on the available information,
280 which may result in a final performance rating of "Unsatisfactory."

281 (f) Outcomes. Employees will receive a communication regarding their final
282 performance rating.

283 1. Exceeds expectations

284 2. Meets expectations

285 3. Does not meet expectations: The employee must be issued a
286 Performance Improvement Plan.

287 4. Unsatisfactory: Employee will receive notice of intent that the university
288 will proceed with termination pursuant to terms in this agreement.

289 10.7 Sustained Performance Evaluations (SPE). If a supervisor determines that a
290 tenured employee has not maintained productivity expectations over the most
291 recent two terms, an employee's sustained performance may be evaluated. This
292 evaluation will consist of a review of relevant materials, including their
293 assignment, annual evaluation ratings, and productivity and professionalism
294 during that period of interest. If the employee's overall performance is deemed to
295 be below satisfactory, then the employee shall be issued a performance
296 improvement plan.

297 10.8 Performance Improvement Plan (PIP). An employee whose PTR or SPE
298 evaluation fails to meet performance expectations will be issued a performance
299 improvement plan.

300 (a) PIP Creation. The appropriate college dean, in consultation with the faculty
301 member's unit head, and with any information provided by the faculty member,
302 will propose a performance improvement plan to the provost or designee. The
303 provost or designee will make final decisions regarding the requirements of each
304 performance improvement plan.

Commented [CP59]: This section is quite reduced, since post-tenure review takes over all the routine examinations. *****Maybe we need a new title for this????*****
"Outcome of Annual Evaluation???" *****

Commented [CP60]: Old section 10.3: (b)2.

(b) PIP Composition. The PIP document shall include specific measurable performance goals with target dates for the faculty member to achieve the requirements of the PIP. The final deadline may not extend more than 12 months past the date the faculty member receives the PIP. The plan must list specific deficiencies and outline the activities to be undertaken to achieve the necessary outcomes, set timelines for achieving goals and outcomes, and indicate the criteria for assessment.

(c) Termination of PIP. Each tenured faculty member who fails to meet the requirements of a PIP by the established deadline(s) will be notified by the Provost of their pending termination for just cause. Successful completion of the PIP results in continued employment as a tenured employee.

10.97) — Other assigned university duties such as academic administration.

(e) Annual Evaluation Standards and Procedures (AESP). Each University department or unit shall maintain written AESPs ~~by which to evaluate each employee according to the University Criteria for Annual Performance Evaluations specified in this article to serve as guidelines on how to evaluate the quality of each employee's performance.~~ AESPs shall ~~be provide~~ clarifications of the University criteria in terms tailored to the department or unit's discipline-(s), employee positions (e.g., tenured or tenure earning, non-tenure-earning, library faculty), and assigned duties. The AESP must be rigorous enough to allow for stratification of merit within the department. ~~These discipline-specific clarifications shall.~~ The evaluation period for research may be longer than one year, if specified, to distinguish between ratings of Conditional and Unsatisfactory in any area of assignment.

~~(1) These discipline-specific clarifications shall:~~

(a) take into consideration the University's mission, the college's or division's mission, the department's mission, and the expectations for the different ranks;

~~(2) be adaptable to various assigned duties;~~

(b) be adaptable to various assignments, given that the supervisor has the ability to utilize discretion when the assigned duties for the employee are atypical for the evaluation period (e.g. the employee has a sabbatical, has a course release, or has been on sick or military leave for an extended period of time). A

Commented [CP61]: It is better to be broader here. Changed from "incompetence"

Commented [CP62]: Addition (new language) - intended to make the AESPs less prone to checklists without interpretation.

Commented [CP63]: Redundant language in old 10.1(e) deleted.

Commented [CP64]: From old 10.1(e), language clarifies purpose of AESP

Commented [CP65]: New language suggestion for purpose of AESP to provide guidelines for evaluator.

Commented [CP66]: Current language appears to lock in research as only category that can use 1+years, and also cannot be used to distinguish between O and AS, for example.

Commented [CP67]: Taken from ann eval section. Also, language changed from "may be" to "shall be" from old 10.1(b)

Commented [CP68]: No change from 10.1(e)(1)

Commented [CP69]: From 10.1(e)(2).

supervisor is not limited by the AESP when making an assignment, but has flexibility to adapt the evaluation to the effort and quality of the resulting product.

Commented [CP70]: New language. Codifies practice.

(c) account for differences in assigned duties between tenured/tenure-earning employees and non-tenure-earning employees such as instructors/lecturers.

Commented [CP71]: New language to consider to give guidance to the supervisor to be able to effectively evaluate different ranks. CHR said MH-T suggested.

(d) address, as appropriate, how various research/scholarship/creative activities are valued and the outlets in which employees might be expected to publish, exhibit, or perform.

(4e) be rigorous and detailed enough that a reasonable employee should not be uncertain or confused about what performance or accomplishment is sufficient in teaching, research/scholarship/creative activity, professional duties commonly assigned in the department or unit, and quality of service output needed to earn each performance evaluation rating.

Commented [CP72]: Additional language intended to clarify this section, found in old 10.1(e)(4).

The clarifications shall identify for each assignment area some representative examples of the achievements or performance characteristics that would earn each performance evaluation rating, consistent with an employee's assigned duties. Examples shall be included for typical assignments within the department or unit (e.g., for 2-2 and 3-2 teaching assignments with correspondingly larger and smaller research assignments, if typically assigned), and must demonstrate the equitable opportunity required by (2) above.

(f) ~~10.10 AESP Development Process for developing AESPs.~~

Commented [CP73]: From old 10.1(f), promoted and made into a header, no substantive change.

(1a) A committee of six members, including four in-unit members of the department/unit elected by a majority vote of employees of the dept/unit in a secret ballot, the department chair or unit head, and one representative appointed by the dean will develop or revise AESPs. If the dept/unit has four or more tenured employees, then 2 of the elected members must have tenure. In tenure-granting departments or units, a committee of six members including four unit employees (at least two must have tenure) elected by the employees in the unit, the department chair or unit head, and one representative appointed by the dean will develop or revise AESPs. If a department or unit has fewer than two tenured employees, the entire department or unit shall vote to elect up to four employees to serve on the committee, along with the department chair or unit head and one member appointed by the dean.

Commented [CP74]: Does this area need more refinement?

(2b) Employees in the department or unit shall propose AESPs or changes thereto as developed by the committee by a majority vote in a secret ballot. If a

Commented [CP75]: This section used to cause a lot of angst because of the bifurcation; rewording is more straightforward.

majority exists, the proposed AESPs shall be forwarded to the dean or the appropriate vice president. If there is an even split vote, the dean shall act as the tie-breaker.

Commented [CP76]: There is no time frame here. From old 10.1(f)(1)

Commented [CP77]: New language for no majority situation

(3c) The proposed AESPs or revisions thereto shall be reviewed by the dean or vice president. If the dean/vice president determines the proposed AESPs do not meet their expectations, the dean/vice president will ~~may~~ refer them back to the department or unit for revision with a written statement of the reasons for non-acceptance.

Commented [CP78]: Must either go back or forward.

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

Commented [CP79]: Same language as old 10.1(f)(4).

(5) If, one year (e) The process is considered initiated after the first meeting of the AESP committee. If, at least six months after the initiation of the process described in this subsection, AESPs acceptable to the dean/vice president and university's representative have not been approved by the department or unit, draft AESPs, committee and department votes, and comments from employees, committee, and the dean/vice president shall be forwarded to the university's representative for consideration. The university's representative shall, in conjunction with the dean/vice president and department/unit head, and in consideration of the opinions of the employees and of approved AESPs for other departments and units, develop and institute new department or unit AESPs. These AESPs shall remain in place until such time as new AESPs are developed and approved according to the procedure outlined in this subsection.

Commented [CP80]: Change language from "first meeting" to "formation of committee"???

Commented [CP81]: New language for when process starts. Old language in 10.1(f)(5) was unclear.

Commented [CP82]: Substantive change: AESPs are generally finished for all areas and now require tweaking. If they are not ready after 6 months, the Dean needs to act to get them set for the upcoming annual review period. One year is too long.

Commented [CP83]: Benign clarification from old 10.1(f)(5)

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

(7g) Review of AESPs must occur on a regular basis and must begin no later than five (5) years after the adoption or most recent review of those AESPs. The university's representative, the dean, or a majority of employees in the

Commented [CP84]: From old 10.1(f)(7).

Commented [CP85]: From old 10.1(f)(7)

department or unit may initiate the review of AESPs at any time. The process for reviewing a department or unit's AESPs shall be the same as the process for developing them (including the committee composition, timeline, and approval process), as described in this article.

Commented [CP86]: For clarity.

(h) The effective date for AESPs or revisions thereto shall be the start of the annual evaluation period that begins after the date the AESPs or revisions are approved by the university's representative and the employees of the department or unit are so informed in writing.

Commented [CP87]: From old 10.1(f)(7)

(g) Process for and Sources of Evaluation.

(1) Therefore, an employee will be evaluated on the AESP that was approved and in effect beginning on May 8. If an AESP is approved on or after May 9, the employee would not be subject to or evaluated using the terms of the new AESP until the following May 8.

Commented [CP88]: New language; codifies practice.

~~Employee Annual Report. Every year, each employee shall submit to the department chair or unit head (or "evaluator") a report of the employee's performance in each area of assignment. This report shall be due to the evaluator on May 7 of each year. The evaluator, may, at the written request from the employee, provide an extension of up to twenty-one days to submit the annual report. The employee annual report may include any interpretive comments and supporting data that the employee deems appropriate for evaluating the employee's performance and shall also include an up-to-date and accurate CV. The employee shall submit the report in the format determined by the college.~~

~~(2) The evaluator shall also consider, where appropriate and available, information from the following sources: immediate supervisor (if different from the evaluator), peers, students, employee, other university officials who have responsibility for supervision of 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 within thirty days of receiving that document.~~

~~(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. 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 observations/visitations shall be completed during the evaluation period.~~

~~a. Absent immediate concerns described below, the evaluator shall notify the employee at least two days in advance of the date and time of any direct classroom observation or visitation. If the employee determines this date is not appropriate because of the nature of the scheduled class activities, 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.~~

~~c. Observation/visitation of online classroom settings is permitted at any time.~~

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

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

~~(5) Written Evaluation.~~

476 a. ~~The proposed written annual evaluation shall be provided to the~~
477 ~~employee by the start of the fall semester. Annual evaluations are not required~~
478 ~~for employees who have been non-reappointed or whose employment ends~~
479 ~~before December 31 of the new academic year.~~

480 b. ~~The employee shall be offered the opportunity to discuss the~~
481 ~~evaluation with the evaluator prior to its being finalized and placed in the~~
482 ~~employee's evaluation file. The evaluation shall be signed and dated by the~~
483 ~~evaluator and by the employee, to acknowledge receipt of it. The employee may~~
484 ~~attach a concise comment to the evaluation within thirty days of receipt. A copy~~
485 ~~of the evaluation shall be provided to the employee.~~

486 c. ~~Upon written request from the employee, the evaluator shall~~
487 ~~endeavor to assist the employee in addressing any performance deficiencies.~~

488 10.2 Cumulative Progress Evaluations.

489 (a) Policy. ~~Tenure earning or tenured employees eligible for consideration for~~
490 ~~promotion to the rank of associate professor and/or tenure shall be informed~~
491 ~~annually of their progress toward promotion and/or tenure. Each year's~~
492 ~~cumulative progress evaluation shall build upon prior cumulative progress~~
493 ~~evaluations so an employee's progress toward tenure and/or promotion in a~~
494 ~~given year will be viewed in the context of attainments over the entire tenure~~
495 ~~and/or promotion earning period. Employees eligible for promotion to professor~~
496 ~~shall be similarly apprised of their progress toward promotion at least once prior~~
497 ~~to submitting their promotion dossier. The cumulative progress evaluations are~~
498 ~~intended to provide an accurate assessment of cumulative performance as~~
499 ~~leading to attainment of promotion and/or tenure, and to provide assistance and~~
500 ~~counseling to candidates to help them qualify themselves for tenure and/or~~
501 ~~promotion.~~

502 (b) Process. ~~All cumulative progress evaluations shall be completed during the~~
503 ~~spring semester. Beginning with the second year of employment (or the first year,~~
504 ~~if tenure credit was given) and continuing annually, an employee who is eligible~~
505 ~~for tenure and/or promotion to the rank of associate professor shall receive a~~
506 ~~cumulative progress evaluation. Separate cumulative progress evaluations shall~~
507 ~~be provided by the tenured members of the department or unit (excluding the~~
508 ~~chair/head and dean), the chair/head, and dean. For cumulative evaluations of~~
509 ~~progress towards promotion to professor, only tenured professors participate in~~

the employee's evaluation. If the department or unit has fewer than three tenured members or tenured professors, as appropriate, the dean may increase the committee membership to three using tenured members of appropriate rank from other departments or units. If the chair/head of the department or unit does not hold the rank of professor or is not a tenured member of the department/unit, the dean may appoint a tenured faculty member of an appropriate rank from another department/unit to serve in this role for the purpose of completing the cumulative progress evaluations. The employee may request, in writing, a meeting with the chair/head and/or dean to discuss concerns regarding the cumulative progress evaluation.

(c) Criteria:

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

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

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

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

10.3—Sustained Performance Evaluations.

(a) Policy. Tenured employees shall receive a sustained performance evaluation at least once every three years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained

performance during the previous three years of assigned duties to evaluate continued professional growth and development.

(b) Process.

(1) At the end of three years of tenured or post-promotion service, and each subsequent three year period, or at any time the employee has not maintained productivity expectations, an employee's sustained performance will be evaluated. This evaluation will consist of a review of the overall annual evaluation ratings and productivity during that period of interest. If the employee's overall performance is deemed to be below satisfactory, then the employee shall be issued a performance improvement plan. The average shall be determined by assigning a value of 4 for Outstanding, 3 for Above Satisfactory, 2 for Satisfactory, 1 for Conditional, and 0 for Unsatisfactory to each of the employee's annual evaluation ratings over the appropriate period. If the average value is less than 2.0, the employee's performance shall be deemed below satisfactory.

(2) A performance improvement plan shall be developed by the department chair or unit head in consultation with the employee and aligned with the unit's AESP and shall include specific measurable performance targets with target dates that must be completed in a period of two years. The performance improvement plan requires the approval of the dean and the university's representative.

(3) When an employee has a performance improvement plan, the department chair or unit head shall provide an annual evaluation of the employee's performance on the plan. Adherence to the performance improvement plan, including its targets and target deadlines, shall be the governing criteria for performance improvement plan evaluations.

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

10.4 Proficiency in Spoken English.

(a) Requirement. Employees must, to be involved in classroom instruction beyond one (1) semester, establish proficiency in the oral use of English, as set

~~forth in Section 1012.93, Florida Statutes, and any applicable Board of Education
or Board of Governors rule or resolution.~~

~~(b) Deficiency. Failure to correct the deficiencies may result in termination.~~

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