

ARTICLE 10
PERFORMANCE EVALUATIONS

10.1 Purpose and Scope of Evaluation. The basic purpose of faculty evaluation is to recognize, reward, and improve faculty performance in the functions of teaching, research, service, and administrative and related duties that may be assigned.

(a) Annual Evaluations. Annual performance evaluations shall be based upon the assignments of responsibility, as described in Article 9, for the period under evaluation, and shall take into account the duties and nature of the assignments.

(1) The performance of faculty members, other than those who have received notice of non-reappointment under Article 12 or are not entitled to receive notice of non-reappointment under Article 12, shall be evaluated. The evaluation shall be consistent with the criteria specified in Sections 10.2, 10.3, and 10.4.

(2) The annual evaluation shall be performed during the spring semester and shall take into account performance of assigned duties over a period consistent with approved department criteria. For faculty members who have been employed at the University less than that period, the annual evaluation shall take into account their performance since the start of employment at the University.

(3) Those persons responsible for supervising and evaluating shall endeavor to assist the person being evaluated in correcting any performance deficiencies reflected in the evaluation.


(4) The faculty member's history of annual evaluations shall be considered in recommendations and final decisions on tenure, promotions, salary increases, and reappointment or non-reappointment. Personnel decisions shall be founded on such annual evaluations and the Evidence of Performance reports on which they are based.

(b) Merit Evaluations.

(1) The determination of meritorious performance for the distribution of funds allocated for merit-based salary increases pursuant to Article 23 shall be according to each department/unit's faculty evaluation criteria and procedures developed pursuant to Section 10.4, which must be consistent with the criteria for faculty evaluation specified in Sections 10.2 and 10.3 and based on each faculty member's history of annual evaluations.

(2) Departmental evaluation criteria and procedures shall ensure that faculty members on approved leave are not penalized in the evaluation process.

(c) Sustained Performance Evaluations. Tenured faculty members shall receive a sustained performance evaluation once every seven years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous six years of assigned duties and to encourage continued professional growth and development.

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10.2 Sources and Methods for Annual Evaluations.

(a) **Evaluator.** The evaluator will normally be the administrator of the department/unit in which the faculty member holds an appointment at the time the evaluation is performed. Faculty members holding concurrent appointments in more than one department/unit shall be evaluated by the administrators of each unit in which they hold an appointment. Faculty members earning tenure in a unit in which they do not hold an appointment shall also be evaluated by the administrator of the unit in which they are earning tenure.

(1) Department/unit administrators who are faculty members shall be evaluated by their respective Deans.

(2) Each evaluator shall be familiar with the provisions of this Agreement, any applicable Florida Statutes and Board policies, and the department/unit criteria and procedures specified by this Article for the annual evaluation of the faculty.

(b) **Sources.** In preparing the annual evaluation, the person(s) responsible for evaluating the faculty member may consider, in light of the department/unit's faculty evaluation criteria, pertinent information from the following sources: immediate supervisor, peers, students, faculty member/self, other University officials who have responsibility for supervision of the faculty member, and individuals to whom the faculty member may be responsible in the course of a service assignment, including public school officials when a faculty member has a service assignment to the public schools.

(c) **Observation/Visitation.**

(1) The faculty member, if assigned teaching duties, shall be notified at least two (2) weeks in advance of the date, time, and place of any direct classroom observation or visitation made in connection with the faculty member's annual evaluation. If the faculty member determines that this date is not appropriate, because of the scheduled class activities, the faculty member and the person(s) responsible for performing the observation or visitation will mutually agree upon an alternate date.

(2) Upon request, a faculty member is entitled to an evaluation of teaching based on direct observation or visitation by one or more peers.


(3) Whenever a person conducts a classroom visit for the purpose of evaluation, a report of his/her observations must be submitted to the faculty member within ten (10) working days of the observation. Otherwise, nothing from the visit may be used in the evaluation process.

a. The report must suggest corrective actions for any shortcoming that is identified.

b. No corrective actions that impinge upon academic freedom may be suggested.

c. The faculty member may reply to the report and have the reply attached to the report.

(4) A faculty member who challenges an observation report may choose a colleague to observe his or her class and submit a report. The colleague may be from the same department/unit, from a department/unit with a compatible discipline, a

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retired colleague, or a colleague in the discipline from another university. Such a report shall be given equal consideration with other reports of classroom visitation.

(d) Evidence of Performance Report. The administrator responsible for the annual evaluation shall request each member of the faculty to submit to him or her, annually, a report of Evidence of Performance in teaching, research or creative activities, service, and other University duties where appropriate.

(1) The Evidence of Performance report (EOP) shall be submitted after the end of each calendar year, and shall cover the preceding calendar year.

(2) Each department/unit shall specify in detail the required format and minimal content of the EOP, pursuant to Section 10.4.

(3) The EOP shall also include any interpretive comments or supporting data that the Faculty member deems appropriate in evaluating his or her performance.

(4) Any materials required for the EOP that depend on the University administration shall be provided to the faculty member no less than fourteen (14) days prior to the date upon which the Evidence of Performance is due.

10.3 General Criteria for Annual Performance Evaluation. The annual performance evaluation shall be based only upon assigned duties, and shall carefully consider the nature of the assignments and quality of the performance, in terms, where applicable, of:

(a) Teaching effectiveness, including effectiveness in presenting knowledge, information, and ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration, laboratory exercise, practical experience, and direct consultation with students.

(1) 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, and adherence to accepted standards of professional behavior in meeting responsibilities to students.

(2) The evaluation shall include consideration of class size and format and other University teaching duties, such as advising, counseling, supervision of interns, or duties described in a Position Description, if any, of the position held by the faculty member.

(3) The teaching evaluation must take into account any relevant materials submitted by the faculty member. Examples of such materials include class notes, syllabi, student exams and assignments, and peer evaluations of teaching. The teaching evaluation may not be based primarily on student evaluations when additional information has been made available to the evaluator.

(b) Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of creative activity.

(1) Evidence of research and other creative activity shall include, but not be limited to, published books; chapters in books; articles in refereed and un-refereed

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professional journals; musical compositions, exhibits of paintings and sculpture; works of performance art; papers presented at meetings of professional societies; reviews; and research and creative activity that has not yet resulted in publication, display, or performance.

(2) The evaluation shall include consideration of the faculty member's productivity, including the quality and quantity of the faculty member's research and other creative programs and contributions during the period under evaluation. The evaluation of quality shall include consideration of recognitions by the academic or professional community.

(c) Service. Evaluation of service shall include consideration of contributions to:

(1) the orderly and effective functioning of the faculty member's academic unit (program, department, school, college) and/or the total University, including participation in regular departmental or college meetings;

(2) the University community, including participation in the governance processes of the institution through significant service on University committees and councils, in UFF activities, and in Faculty Senate activities;

(3) the local, state, regional and national communities, and scholarly and professional associations, including participation in professional meetings, symposia, conferences, workshops, service on local, state, and national governmental boards, agencies and commissions; and service to public or private schools;

(4) other assigned University duties, such as academic administration, or as described in a Position Description, if any, of the position held by the faculty member;

(5) such other responsibilities as may be appropriate to the assignment.

(d) These criteria may be elaborated, augmented, and refined by recommendation of the faculty of the department/unit, as provided in Section 10.4.

10.4 Department/Unit Faculty Evaluation Criteria and Procedures.

(a) The faculty of each department/unit shall develop and maintain specific written criteria and procedures by which to evaluate faculty members consistent with the criteria specified in Sections 10.2 and 10.3 and subject to the approval of the unit's dean.

(1) These criteria and procedures may include any refinements of the methods for the distribution of salary increase funds that are permitted by Article 23 and are based on the annual performance evaluation.

(2) These criteria and procedures, together with those specified in Sections 10.2 and 10.3, shall be the sole basis upon which faculty performance is measured.

(b) Development Process. If such criteria and procedures are not on file, they shall be developed. If such criteria and procedures are already on file, the faculty of the department/unit shall review and revise them after ratification of this Agreement.

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(1) The department/unit administrator shall discuss with the department/unit faculty members who are to participate in the development or revision process the existing criteria and procedures of the department/unit, the mission and goals of the department/unit and the University, the provisions of the BOT-UFF Agreement, and relevant state law. A copy of the BOT-UFF Agreement and the relevant portions of state law shall be provided to each department/unit at the outset of the process.

(2) All departmental criteria and procedures must

a. Be consistent with the criteria and procedures specified in Sections 10.2 and 10.3 and with all the other provisions of this Agreement.

b. Satisfy all provisions of Article 23 with regard to department/unit criteria and evaluative procedures for the distribution of merit-based salary increases.

c. Be adaptable to various assigned duties, so that all faculty have an equal opportunity to earn favorable performance evaluations. The criteria must provide that the FTE allocated to each part of the faculty member's annual assignment shall be used to weight the performance of each part for determination of the overall assessment of performance/merit.

d. Take into consideration the department's mission and reasonable expectations for different classifications/ranks, experience, and stages of career.

e. Provide for an overall summary assessment of performance for each faculty member using the following ratings: Satisfactory, Official Concern, Inadequate. Satisfactory shall mean performance that fulfills the essential requirements of the assignment.

f. Be detailed enough that any reasonable faculty member will have no confusion about what performance is sufficient to earn a satisfactory annual evaluation.

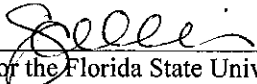
g. Provide for a peer review component in the annual evaluation.

h. Specify an effective date, which for revisions that affect annual evaluation shall be no sooner than the annual evaluation period beginning after the approval of the revisions.

(3) These criteria and procedures, and any revisions thereof, shall be recommended by a secret ballot vote of a majority of the faculty members in the department/unit.

(4) The criteria and procedures shall be periodically reviewed by the faculty for consistency, revised as appropriate, and subjected to a reaffirmation ballot whenever a change is made to this Article. Subsequent revisions may be initiated by a majority vote of at least a quorum of the faculty members subject to evaluation or upon the initiative of the department/unit administrator.

(5) Departments/units are encouraged to exchange and discuss drafts of their faculty evaluation criteria and procedures during the formulation and revision processes.

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(c) Approval Process.

(1) The University President or representative shall review the proposed criteria and procedures, or revisions thereof to ensure that they comply with the provisions of Section (b)(2) above.

(2) If the University President or representative determines that the recommended faculty evaluation criteria and procedures do not meet the conditions in Section (b)(2) above, the proposal shall be referred to the department/unit for revision within one month of receipt, with a written statement of reasons for non-approval.

(d) Approved faculty evaluation criteria and procedures, and revisions thereof, and any related recommendations shall be kept on file in the department/unit and college offices, in the office of the Dean of the Faculties, and posted on the department/unit and college/unit websites. Faculty members in each department/unit shall be provided a copy of that department's/unit's current faculty evaluation criteria and procedures.

(e) No merit or market equity salary increases shall be provided to a department/unit until its faculty evaluation criteria and procedures have been approved by the University President or representative. In the first year of this Agreement departments/units may receive merit or salary increase funds pending approval of their departmental criteria and procedures, provided they have submitted them for review.

10.5 Annual Evaluation Reporting Procedures.

(a) Evaluation Summary. The evaluator shall annually prepare the faculty member's written annual performance evaluation on the Annual Faculty Evaluation Summary Form provided in Appendix "F". The form and its attachments, if any, comprise the annual evaluation report.

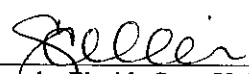
(1) This annual evaluation report shall be distributed to the faculty member no later than June 15.

(2) Faculty members holding joint appointments in other areas, departments or divisions shall be evaluated concurrently using the same criteria and procedures as other faculty in the department/unit. Each evaluator shall evaluate the faculty member only with respect to principal duties within that department/unit. Such concurrent summaries shall be forwarded to the administrator responsible for review of evaluations for the department/unit as specified in (c) below.

(3) As provided in Article 15, each faculty member eligible for tenure shall be apprised annually in writing of the faculty member's progress toward tenure, in order to provide assistance and counseling to the faculty member.

(4) Annual letters of evaluation, including the faculty member's progress toward tenure (if eligible for tenure) and/or promotion (if eligible for promotion) shall be attached to the Annual Faculty Evaluation Summary Form in order to provide specific feedback to the faculty member.

(5) The provision on the Annual Faculty Evaluation Summary Form under the heading "TEACHING" for certification of Spoken English Competency shall be utilized only:

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(a) **a.** to certify competency following completion of options for remediation specified following an "Official Concern" evaluation in this area given either in the previous annual evaluation or with an original appointment, or

(b) **b.** to call into question a previous certification of competency.

(6) If "Official Concern" is noted in the Spoken English Competency category, options for remediation shall be in writing with a copy attached to the Annual Faculty Evaluation Summary Form.

(7) The evaluation report shall be signed and dated by the person performing the evaluation.

(b) Discussion. After completion of the Annual Faculty Evaluation Summary Form, the evaluator shall discuss the Summary with the faculty member concerned.

(1) The faculty member may attach to the Summary any statement he or she desires.

(2) The persons responsible for supervising and evaluating shall endeavor to assist the person being evaluated in correcting any performance deficiencies reflected in the evaluation.


(3) In the case of an evaluation rating below "Satisfactory", the evaluator shall fully document the less-than-satisfactory performance prior to discussion with the faculty member. The evaluator shall propose to the faculty member in writing specific recommendations to assist the faculty member in achieving at least a "Satisfactory" rating, and provide assistance and appropriate support for the implementation of the plan. Examples of recommendations could include: study at another university or even study on the campus of FSU (course titles and particular professors should be specified); provision to work with or to observe the work of an outstanding professor; participation in departmental staff development programs; etc. After discussion is completed and attachments made (if any), the faculty member will indicate that the evaluation has been reviewed by signing the Summary and indicating the number of pages attached to it.

(4) The required signature of the person being evaluated certifies that the required discussion of the rating has taken place. It does not imply that the person being evaluated has agreed with the rating. Those not agreeing should be referred to the procedure for appealing an Evaluation Summary, in Section 10.7.

(5) A copy of the evaluation shall be made available to the person being evaluated.

(c) Review. The Faculty Evaluation Summary shall be reviewed by the appropriate administrative officer. The reviewer will normally be the Dean of the College or School in which the faculty member holds the faculty position. When the Dean of a School or College is the evaluator, the Faculty Evaluation Summary shall be reviewed by the Dean of the Faculties.

(1) Upon the completion of the discussion with the faculty member, the Faculty Evaluation Summary shall be forwarded to the appropriate reviewer.

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(2) The reviewer shall sign the Faculty Evaluation Summary if he or she agrees with it.

(3) If the reviewer disagrees, he or she may discuss the area of disagreement with the evaluator, at which time two courses of action are available to the reviewer: The reviewer may submit his or her own Evaluation Summary or the may revise the original summary. When the reviewer prepares his or her own Faculty Evaluation Summary, the original Faculty Evaluation Summary must be attached to the reviewer's summary.

(d) In the event of the non-renewal of a faculty member, whether it be voluntary or involuntary, at a date other than the end of an academic year, a special report shall be prepared. A special report may also be required when directed by the President, Provost and Academic Vice President, or the Dean of the Faculties.

10.6 Disposition of the Annual Evaluation.

(a) When the Faculty Evaluation Summary has been reviewed by the appropriate reviewer, the Faculty Evaluation Summary shall be filed in the faculty member's official evaluation file together with any attachments. The contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the faculty member evaluated and those whose duties require access.

(b) For faculty holding joint appointments copies of all evaluations shall be filed in the official evaluation file.


(c) When the overall performance is "Inadequate," a copy of the Faculty Evaluation Summary Form must be forwarded to the Provost and Vice President for Academic Affairs and the President of the University through the Dean of the Faculties.

10.7 Provision for Appeal.

(a) If a faculty member is dissatisfied with the Faculty Evaluation Summary, the faculty member may register his or her disagreement in writing.

(b) In addition, if the faculty member is not satisfied with the Faculty Evaluation Summary prepared by the evaluator, he or she may present his or her request for review in writing to the appropriate reviewer within ~~ten (10)~~ **thirty (30)** days after being informed of the evaluation. The reviewer, like the evaluator, shall have complete freedom of action, consistent with this Agreement, in seeking to settle or resolve differences concerning evaluation summaries and presumably his or her efforts will be largely conciliatory. The reviewer shall meet with the faculty member to discuss the request within ~~ten (10)~~ **fifteen (15)** days of receipt of the written request for review. Within fifteen (15) days of receipt of the written request, the reviewer shall reach a decision and report it to the faculty member.

(c) If the faculty member is not satisfied with the reviewer's decision, the faculty member may request in writing a review from the Dean of the Faculties within ~~ten~~

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(10) **fifteen (15)** days after the reviewer's decision. Within ~~ten (10)~~ **fifteen (15)** days of receipt of the written request, the Dean of the Faculties shall meet with the faculty member to discuss the request. Within ~~twenty (20)~~ **fifteen (15)** days of receipt of the written request, the Dean of the Faculties shall reach a decision and report it to the faculty member.

(d) An appeal of the decision of the Dean of the Faculties may be made to the Provost and Vice President for Academic Affairs. Such a request for review shall be made in writing within ~~ten (10)~~ **fifteen (15)** days after the Dean of the Faculties' decision. Within ~~twenty (20)~~ **fifteen (15)** days of the receipt of the written request, the Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty member.

10.8 Sustained Performance Evaluations.

(a) The sustained performance evaluation program shall provide that:

(1) Only elected faculty members may participate in the development of applicable procedures. Such procedures shall ensure involvement of both peers and administrators at the department and higher levels in the evaluation and shall ensure that a faculty member may attach a concise response to the evaluation;

(2) The University shall provide for an appeals process to accommodate instances when the faculty member and the supervisor cannot agree upon the elements to be included in the performance improvement plan; and

(3) The proposed procedures for the sustained performance evaluation shall be available to faculty members and to the UFF for review prior to final approval.

(b) Faculty member annual evaluations, including the documents contained in the evaluation file shall be the sole basis for the sustained performance evaluation.

(1) A faculty member who received satisfactory annual evaluations during the previous six years shall not be rated below satisfactory in the sustained performance evaluation nor subject to a performance improvement plan.

(2) A performance improvement plan shall be developed only for those faculty members whose performance is identified through the sustained performance evaluation as being consistently below satisfactory in one or more areas of assigned duties. The performance improvement plan shall be developed by the faculty member, in concert with his/her supervisor, and include specific performance targets and a time period for achieving the targets. The performance improvement plan shall be approved by the President or representative. Specific resources identified in an approved performance improvement plan shall be provided by the University. The supervisor shall meet periodically with the faculty member to review progress toward meeting the performance targets. It is the responsibility of the faculty member to attain the performance targets specified in the performance improvement plan.

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10.9 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral English language skills unless proved deficient in accordance with the appropriate procedures and examinations for testing such deficiency.

(a) Faculty members involved in classroom instruction, other than in courses conducted primarily in a foreign language or courses not requiring facility in spoken English, who are found by their supervisor, as part of the annual evaluation, to be potentially deficient in English oral language skills, shall be tested in accordance with appropriate procedures and examinations established herein for testing such skills. No reference to an alleged deficiency shall appear in the annual evaluation or in the personnel file of a faculty member who achieves a satisfactory examination score determining proficiency in oral English as specified in the rule (currently "50" or above on the Test of Spoken English).

(b) Faculty members who score at a specified level on an examination established herein for testing oral English language skills ("45" on the Test of Spoken English), may continue to be involved in classroom instruction up to one (1) semester while enrolled in appropriate English language instruction, as described in paragraph (d) below, provided the appropriate administrator determines that the quality of instruction will not suffer. Only such faculty members who demonstrate, on the basis of examinations established by statute and rule, that they are no longer deficient in oral English language skills may be involved in classroom instruction beyond one (1) semester.

(c) Faculty members who score below a minimum score on an examination established herein for determining proficiency in oral English (currently "45" on the Test of Spoken English) shall be assigned appropriate non-classroom duties for the period of oral English language instruction provided by the Board under paragraph (d) below, unless during the period of instruction the faculty member is found, on the basis of an examination specified above, to be no longer deficient in oral English language skills. In that instance, the faculty member will again be eligible for assignment to classroom instructional duties and shall not be disadvantaged by the fact of having been determined to be deficient in oral English language skills.

(d) It is the responsibility of each faculty member who is found, as part of the annual evaluation, to be deficient in oral English language skills by virtue of scoring below the satisfactory score on an examination established herein to take appropriate actions to correct these deficiencies. To assist the faculty member in this endeavor, the Board shall provide appropriate oral English language instruction without cost to such faculty members for a period consistent with their length of appointment and not to exceed two (2) consecutive semesters. The time the faculty member spends in such instruction shall not be considered part of the individual assignment or time worked, nor shall the faculty member be disadvantaged by the fact of participation in such instruction.

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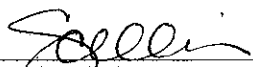
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(e) If the Board determines, as part of the annual evaluation, that one (1) or more administrations of a test to determine proficiency in oral English language skills is necessary, in accordance with this section, the Board shall pay the expenses for up to two (2) administrations of the test. The faculty member shall pay for additional testing that may be necessary.

10.10 Employee Assistance Programs. Neither the fact of a faculty member'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 process described in this Article, except for information relating to a faculty member's failure to participate in an employee assistance program consistent with the terms to which the faculty member and the Board have agreed.

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