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.

10.2 Sources and Methods for Evaluation. Evaluations shall be based only upon assigned duties and shall carefully consider the nature of the assignments and quality of the performance. Evaluations shall be based upon the assignments of responsibility, as described in Article 9, and any dual compensation appointments, if applicable, for the period under evaluation, and shall take into account the proportions, duties and nature of the assignments.

(a) All evaluations shall be performed during the spring semester and shall take into account performance of assigned duties over a period consistent with approved department criteria and may include multiple years. 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.

(b) An evaluation may only be changed through the appeal process as outlined in the provisions of this article or through other provisions of the Agreement.

(c) 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 this Article and subject to the approval of the unit's dean. These criteria and procedures shall be the sole basis upon which faculty performance is measured.

(d) Development Process for Criteria and Procedures. If criteria and procedures for evaluating faculty performance 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.

(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 Collective Bargaining Agreement, and relevant state law. A copy of the BOT-UFF Collective Bargaining Agreement and the relevant portions of state law shall be provided to each department/unit at the outset of the process.

(2) 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.

(e) These criteria and procedures shall

(1) Be consistent with the criteria and procedures specified in this Article and with all the other provisions of this Agreement.

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

(3) 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.

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

(5) Provide for a peer review component in the annual evaluation.

(6) Specify a new effective date.

(7) Be detailed enough that any reasonable faculty member can understand what performance is required to earn each performance evaluation rating.

(8) Ensure that faculty members on approved leave are not penalized in the evaluation process.

(9) Faculty members in Departments/Units that used a five-point scale for criteria for evaluations prior to Fall 2024 shall review the criteria and update their bylaws or develop written criteria, based on a four-point scale.

(f) 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.

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

(h) Approval Process.

(1) Deans shall review and approve proposed criteria and then send the proposed criteria to the University President or representative for review to ensure that they comply with the provisions of this Article. The President or representative shall notify the college and department/unit of approval or non-approval within sixty (60) days of receipt, if practicable. However, final notification shall occur no later than ninety (90) days after receipt. In the case of a non-approval, the notification will provide a written statement of reasons.

(2) In the case of non-approval, the department/unit has ninety (90) days after notification to revise and resubmit the proposal, and the President or representative shall review it within sixty (60) days of receipt and notify the department of approval or non-approval, and in the case of non-approval, provide a written statement of reasons. In the event that the next version is also not approved, the criteria shall be forwarded to the Vice President for Faculty Development and Advancement who will resolve any discrepancies and the criteria and procedures shall be imposed.

(i) Approved or imposed 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 Faculty Development and Advancement, 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 at the start of the spring semester.

(j) No faculty member shall be evaluated according to new criteria and procedures prior to the President or representative's final approval of these criteria and procedures or until they are imposed by the Vice President for Faculty Development and Advancement.

(k) No evaluations shall require a forced or pre-specified distribution of ratings.

10.3 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 proportions, duties and nature of the assignments. The faculty member's history of annual evaluation summary forms, narratives, optional responses, and letters of progress towards promotion shall be considered in recommendations and final decisions on promotions and appointment and non-reappointment.

(a) Sources for Annual Evaluations. 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. For preparation of annual evaluations, data or metadata generated outside of the university may only be used when approved by the faculty and included in the department/unit's faculty evaluation criteria.

(b) Teaching effectiveness. Includes 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 format, preparation time, whether the course is required or elective, availability of assistance, 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, supplementary material and peer evaluations of teaching. The teaching evaluation may not be based primarily on student perceptions when additional information has been made available to the evaluator.

(4) Observation/Visitation.

a. 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 (including visitation or monitoring of a course website) 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.

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

c. 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.

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

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

d. 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 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.

(c) Contribution to the discovery of new knowledge. Includes 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 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.

(d) 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 ~~(which shall not be included in the University service assignment nor reflected in the University service effort level)~~, ~~subject to the provisions of Article 3.3 (f)~~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,

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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, of the position held by the faculty member. Evaluations for department chairs should consider responsibilities of the chair such as departmental planning and goal setting, assignment of work responsibilities and resources, fiscal responsibilities, recruitment and hiring, mentoring, evaluation of faculty, handling of personnel issues involving faculty and staff, academic program responsibilities, implementation of University policy, and communication both within the department and with administrators regarding the department;

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

(e) These criteria may be elaborated, augmented, and refined by recommendation of the faculty of the department/unit, as provided in this Article.

(f) Methods for Annual Performance Evaluations

(1) 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 or holding 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 or hold tenure.

a. Department/unit administrators who are faculty members shall be evaluated by their respective deans.

b. 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.

(2) 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 Section 10.2.

(3) 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.

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

b. Each department/unit shall specify in detail the required format and minimal content of the EOP, pursuant to this section.

c. The EOP shall also include any interpretive comments or supporting data that the faculty member deems appropriate in evaluating his or her performance.

d. The EOP may include a Work Impact Statement to describe adverse external factors (e.g., lab shutdowns, loss of funding) that have had an impact on a faculty member's productivity during the review period. Faculty have the option to document these circumstances

with an explanation of how their professional work has been impacted (e.g., limited access to research facilities, pivot in research direction due to change in sponsor priorities or policy, reduced research and writing time, inability to fund graduate students). The statement should omit protected health information and should limit personal information to include only that which is necessary to contextualize the situation. Work impact statements included in EOP reports will be part of faculty materials for subsequent promotion, tenure, and post-tenure reviews, as appropriate. Faculty may also note disruptions to their productivity in their CV.

e. 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 report is due.

f. If a faculty member fails to submit an EOP report (after notification of such failure), this may result in an overall evaluation of "Does Not Meet Expectations."

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

a. The supervisor may informally coach or counsel faculty with the goal of improving performance. Such advice is not disciplinary, nor may it be part of the evaluation file.

b. The supervisor may offer advice for improvement in the annual Progress towards Promotion letter and/or the annual Narrative Report.

c. The supervisor may create a structured improvement plan via a Performance Improvement Plan (PIP) as outlined in Section 10.5(b)(3).

(5) The Annual Performance Evaluation shall provide for an assessment of performance for each faculty member using the following ratings:

a. Exceeds Expectations
b. Meets Expectations
c. Official Concern
d. Does Not Meet Expectations

10.4 Merit Evaluations.

(a) 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 this section, which must be consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty members will be reviewed for merit.

(b) 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 a period of time consistent with approved department criteria, which may include multiple years of performance.

(c) Merit distribution criteria:

(1) Must define meritorious performance as "performance that meets or exceeds the expectations for the position classification and department/unit."

(2) May permit, but not mandate, a merit pay award for all members of the

department/unit.

(3) Must establish distinctive levels of merit reflecting the differences in performance.

(d) Merit distribution plans are subject to the approval of the department chair (or in non-departmentalized units, the dean). If the chair makes any changes to the merit distribution plan proposed by a faculty evaluation committee, she/he shall report such changes to the faculty evaluation committee, if there is such a body. The original merit distribution plan along with any recommendations by the chair shall be submitted to the dean and the provost or designee. The dean and the provost or designee provide final approval of merit distribution plans. Any changes at this level to the merit distribution plan shall be reported to the chair by the dean's office, and the chair will inform the faculty evaluation committee, if there is such a body.

10.5 Annual Evaluation Reporting Procedures

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

(1) This Evaluation Summary Form and its attachments 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) Faculty members eligible for promotion or for tenure (except for Assistant Professors in the years in which they receive their Tenure Review Report, as outlined in Section 15.3(e)(2)) shall be apprised annually in writing of progress towards promotion or tenure in order to provide assistance and counseling in working toward that goal. This appraisal shall be included as a separate section in the narrative accompanying the annual evaluation, or as a separate narrative, as outlined in Article 10.5(a)(4).

(4) All faculty members, including those ineligible for promotion, shall receive a narrative evaluation appended to the Evaluation Summary Form.

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

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. 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 Evaluation Summary Form.

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

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(b) Discussion. After completion of the Annual 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. That appended statement will become part of their permanent file and may be seen by anyone who evaluates that file (e.g., members of the University Promotion and Tenure ~~Tenure and Promotion~~ Committee). ~~However, it is not appropriate to level accusations against the reviewer or anyone else nor to reveal any protected information about oneself or others.~~

(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 of "Does Not Meet Expectations," the evaluator shall fully document the rating prior to discussion with the faculty member. Faculty members whose overall performance in any given year or whose performance in any single domain (i.e. research, teaching or service) in three (3) or more of the previous six (6) evaluations is rated below "Meets Expectations", may be placed on a Performance Improvement Plan (PIP). A PIP shall be developed in one or more areas of assigned duties. The PIP shall be developed by the faculty member's supervisor in concert with the faculty member and shall be written. It shall include specific performance goals and timetables to assist the faculty member in achieving at least a "Meets Expectations" rating. Specific resources identified in an approved PIP, shall be provided by the department/unit. Examples of recommendations/resources include, but are not limited to: audit a course; participate in a webinar or webcast; work with or observe the work of an outstanding professor; etc. If the faculty member and the supervisor are unable to agree on the elements of the PIP, the dean shall make the final determination on the elements of the PIP. The PIP shall be approved by the President or representative and attached to the Annual Evaluation Summary Form. The supervisor shall meet periodically with the faculty member to review progress toward meeting the performance goals. It is the responsibility of the faculty member to successfully complete the PIP.

(4) After discussion is completed and attachments made, the faculty member will indicate that the evaluation has been reviewed by signing the Annual Evaluation Summary Form and indicating the number of pages attached to it. 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 Annual Evaluation Summary, in Section 10.7.

(5) A copy of the Annual Evaluation Summary Form and attachments shall be made available to the person being evaluated.

(c) Review. The Annual Evaluation Summary Form and attachments shall be reviewed by the appropriate administrative officer. The reviewer will normally be the dean of the college in which the faculty member holds the faculty position. When the dean of a college is the evaluator, the Annual Evaluation Summary shall be reviewed by the Vice President for Faculty Development and Advancement.

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

(2) The reviewer shall sign the Annual Evaluation Summary Form and attachments 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 Form and attachments or may revise the original. When the reviewer prepares his or her own Faculty Evaluation Summary, the original Evaluation Summary Form and attachments must be appended to the reviewer's summary.

10.6 Disposition of the Evaluation Summary Form and attachments.

(a) After the Evaluation Summary Form and attachments have been reviewed and signed by the appropriate reviewer(s), they shall be forwarded to the Vice President for Faculty Development and Advancement and retained in the faculty member's official evaluation file. 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.

10.7 Provision for Appeal of Annual Evaluations

(a) If a faculty member is not satisfied with the Evaluation Summary prepared by the evaluator (department chair or equivalent), including the determination of failure to successfully complete a PIP, the faculty member may ~~register~~ submit ~~his or her disagreement~~a response in writing. ~~and request that t~~On receipt, the custodian of the evaluation file shall attach it to the Evaluation Summary to be placed in the evaluation file.

(b) In addition, the faculty member may submit a written request for review of the evaluation by writing to the appropriate higher-level reviewer (dean or equivalent) within thirty (30) days after being informed of the evaluation. This request should include a copy of ~~his or her~~the faculty member's written ~~disagreement~~response. ~~In colleges without departments, the written request for review of the evaluation is sent to the Vice President for Faculty Development and Advancement. The reviewer, like the evaluator, shall have complete freedom of action, consistent with this Agreement, in seeking to settle or resolve differences concerning evaluations and presumably his or her efforts will be largely conciliatory.~~ The reviewer shall meet with the faculty member to discuss the request within 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 submit a written request to the Vice President for Faculty Development and Advancement or designee within 15 days after the reviewer's decision. The Vice President for Faculty Development and Advancement or designee will meet with the faculty member within (15) days of receipt of the written request for review. Within (15) days of receipt of the written request, the Vice President of Faculty Development and Advancement or designee shall reach a decision and report it to the faculty member.

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(d) In colleges without departments, when the dean serves as the evaluator, the written request for review of the evaluation is sent to the Vice President for Faculty Development and Advancement or designee.

(~~e~~e) If the faculty member is not satisfied with the ~~reviewer's~~ Vice President for Faculty Development and Advancement's or designee's decision, the faculty member may request in writing a review from the Provost or designee within fifteen (15) days after the ~~reviewer's~~ Vice President for Faculty Development or designee's decision. Within fifteen (15) days of receipt of the written request, the Provost or designee shall reach a decision and report it to the faculty member.

(f) At all levels of the appeal process, the person conducting the review, like the original evaluator, shall have complete freedom of action, consistent with this Agreement, in seeking to settle or resolve differences concerning evaluations and presumably ~~his or her~~the reviewer's efforts will be largely conciliatory.

(g) Should the original evaluation be amended during this process, the original evaluation and its attachments will be removed from the evaluation folder and replaced with the amended evaluation.

10.8 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

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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.

(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.

10.9 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.

10.10 Post-Tenure Review. The university will proceed with Post-Tenure Review in compliance with applicable laws and regulations, including the Board of Governors Regulation 10.003(4)(f) and (i). If the Board of Governors Regulation 10.003 or Florida Statutes Section 1001.706(6)(b) is modified, overturned, or enjoined by a court of competent jurisdiction Article 10.10 Post-Tenure Review will be nullified.

(a) Definitions: The following definitions apply for the purposes of Post-Tenure Review ~~for 2024-2025~~.

(1) Tenure – Article 15.1(b) states that tenure means a faculty member "shall have the status of a permanent member of the faculty and remain in the employment of the University, guaranteed annual reappointment for the academic year" until s/he resigns, retires, is laid off, or "terminated for just cause in accordance with the provisions of Article 16 Disciplinary Action and Job Abandonment of this agreement."

(2) Administrative Role – a position or role at FSU in which a tenured faculty member is in of the following positions:

a. Chairs or equivalent,
b. Deans, and
c. Assistant/Associate Vice Presidents and above.

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~~Chairs or equivalent in the bargaining unit will be reviewed annually per the BOG regulation and provisions of this Collective Bargaining Agreement.~~

(3) Eligible Faculty Member – a faculty member who has been tenured or promoted to Full Professor at FSU for five years or more. Not included in this definition are tenured faculty members who are in Administrative Roles listed above, have submitted a letter of resignation/retirement, are active candidates for promotion from Associate to Full Professor, or have been subjected to Post-Tenure Review in the past four years.

(4) Materials – items specified under 10.10(f) prepared by an Eligible Faculty member, and subsequently supplemented by the department chair/unit head and dean, highlighting the Eligible Faculty Member's accomplishments, and demonstrating performance relative to assigned duties for the Review Period. Subsequent responses to deans' and chairs' letters by the Eligible Faculty Member will also be included.

(5) Review Period – the Review Period shall be the five (5) calendar years previous to the spring Post-Tenure Review.

(6) Performance Rating Scale – as defined by the Board of Governors Regulation 10.003(4)(f) and (i).

(b) Selection of Eligible Faculty Members

(1) All Eligible Faculty members who were tenured, hired with tenure on appointment, or promoted to Full Professor with an effective date of Fall 2019 participated in Post-Tenure Review in Spring 2024.

(2) In addition, 20% of Eligible Faculty Members who were tenured (including those hired with tenure on appointment) or promoted to Full Professor prior to Fall 2019 were included in Post-Tenure Review in Spring 2024. Eligible Faculty members were offered the opportunity to volunteer to participate in the 2024 review. Sufficient numbers of faculty volunteered to meet the target of 20% of Eligible Faculty.

(c) Criteria for Determining the Performance Rating

(1) In conducting Post-Tenure Review, the University shall not consider or otherwise discriminate based on a faculty member's political, or ideological view, or properly disclosed and approved outside activities of field of study. The Post-Tenure Review shall abide by the Academic Freedom and Responsibility Article 5 and Nondiscrimination Article 6.2 of the CBA.

(2) Criteria for Post-Tenure Review Ratings. Because of the variety of academic disciplines in the university and the differences in the nature of the work tenured faculty do across disciplines, the relevant evidence in support of Post-Tenure Review ratings will vary across academic disciplines. The criteria shall consider research, teaching, and service. Deans and the Provost must take into consideration the criteria used by academic units for the annual evaluation of faculty.

(3) Examples of evidence to support the rating of Exceeds Expectations include awards, honors, annual evaluations, and meeting criteria identified by academic units as meritorious performance in the units' bylaws and relative to the faculty member's AOR.

(4) Examples of evidence to support the rating of "Meets Expectations" shall include annual evaluation criteria relative to the academic units' bylaws and relative to the faculty

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member's AOR.

(5) Examples of evidence to support the rating of "Does Not Meet Expectations" shall include previous annual evaluation ratings of "Official Concern" and "Does Not Meet Expectations" and include annual evaluation criteria relative to the academic units' bylaws and relative to the faculty member's AOR.

(6) Examples of evidence to support the ratings of Unsatisfactory include annual evaluation criteria relative to the academic units' bylaws and relative to the faculty member's AOR, evidence of failure to follow previous written feedback on performance or conduct, and evidence of performance that involves incompetence or misconduct, in accordance with Article 16, Disciplinary Action and Job Abandonment and applicable university regulations and policies.

(7) There shall be no quotas on the distribution of Post-Tenure Review ratings.

(d) Timing and Selection of Reviews Subsequent to 2024.

(1) In addition to inclusion of tenured faculty in their fifth (5^{th}) year following the award of tenure or their promotion to Full Professor, each Spring Semester in 2025, 2026, 2027 and 2028 approximately 20% of the tenured faculty of the University who were tenured prior to 2019 and who have not yet been subject to Post-Tenure Review will be randomly selected for Post-Tenure Review, subject to college proportionality. A faculty member may request to be included in the upcoming Post-Tenure Review process if they would have been eligible to receive a Sustained Performance Increase in August 2024 or August 2025.

(2) The process for random selection and any algorithm used will be disclosed to the UFF before faculty are selected to be reviewed.

(3) Beginning in Spring Semester 2029, each tenured faculty member will be subject to Post-Tenure Review in the fifth year following their tenure award, latest promotion, hire date (if hired with tenure) or latest Post-Tenure Review, whichever is more recent.

(e) Postponement of Post-Tenure Review.

(1) A faculty member's Post-Tenure Review may be postponed, upon approval by the Provost or designee, for extenuating circumstances, including but not limited to being on approved extended leave (e.g., FMLA, parental leave, or leave of absence), being on a sabbatical, or having served in an Administrative Role or as chair or equivalent during the Review Period. To request a year-long postponement, faculty members must submit a Postponement Request Form by the specified deadline. All requests shall be reviewed by the Provost or designee. The same standards for granting postponement requests shall apply to all faculty members.

(f) Participants and Their Responsibilities.

(1) Participating faculty members shall prepare and submit the following materials to the department chair/school director (or to the dean for chairs/directors and colleges without departments or schools):

a. Faculty members shall submit the FEAS Post-Tenure Review Report. The FEAS Post-Tenure Review Report shall, for the reporting period, consist of:

i. The Curriculum Vita (CV)

ii. The Assignment of Responsibilities (AOR)

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iii. SPCI reports, grade distributions, and other evidence of effective teaching.

b. Faculty members shall submit a summary of their accomplishments (1-page limit; required) for the Review Period. They may also provide additional evidence of explanation of their teaching, research and service accomplishments and performance (3-page limit; optional).

(2) Department chairs/school directors shall prepare and submit to deans a report for each participating faculty member, including the following:

a. Annual Evaluations for the Review Period. This includes narratives and the summary forms.

b. Substantiated findings of any investigations that resulted in disciplinary action due to misconduct or incompetence, which includes noncompliance with university policies or applicable laws or regulations within the scope of their university employment during the review period. This information will be provided by the Office of Faculty Development and Advancement.

c. A letter assessing their performance for the Review Period (for in-unit faculty this shall include input from a faculty committee). This letter shall include reference to the section 10.10(c) "Criteria for Determining the Performance Rating".

(3) Participating faculty members may review their Materials, including additions by their chair/director, and shall have up to five days to provide a response that will be included in the participating faculty member's Materials. This response may include any explanations of disciplinary actions or negative evaluations, including timelines and any steps that were taken to improve.

(4) Deans shall submit to the Provost a report for each faculty member under review that includes the following information:

a. A letter assessing the performance of each faculty member. The Deans shall be encouraged to include input from a college committee of tenured faculty.

b. A rating of each faculty member using the Performance Rating Scale. The rating shall take into consideration the participating faculty member's annual evaluations for the review period.

(5) Participating faculty members may review their Materials, including additions by their dean, and shall have up to five days to provide a response that will be included in the participating faculty member's Materials.

(6) The Provost shall review ~~supplemented~~ Materials received from the dean, including the dean's recommended performance rating, which the Provost will accept, reject, or modify. The Provost will rate the Eligible Faculty Member's performance using the Performance Rating Scale in consultation with the President and, if requested by the Provost, with input from a faculty advisory committee. The Provost shall notify in writing all faculty members under review of their ratings, justification, and outcomes.

(g) Outcomes from Post-Tenure Review.

(1) Faculty members with the rating of "Meets Expectations" or "Exceeds Expectations" will receive a monetary reward as specified in Article 23, Salaries.

(2) Faculty members who receive a rating of "Does Not Meet Expectations" shall be placed on a Performance Improvement Plan (PIP) in accordance with the BOG Regulation 10.003

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(5)(c). Additionally, the drafter of the PIP may consider changes to the faculty AOR to better suit the strengths of the faculty member and the needs of the University. The faculty member shall have a period of 12 months to achieve the requirements of the PIP. If any faculty member placed on a PIP does not meet the requirements of the PIP by the stated deadline, the Provost shall issue a notice of intent to terminate employment of such faculty member, pursuant to applicable University processes.

(3) For faculty members who receive an "Unsatisfactory" rating from the Provost, the Provost shall issue a Notice of Intent to Terminate letter in accordance with BOG Regulation 10.003(5)(d). Any proposed termination will be in accordance with Article 16 of the CBA.

(4) Final decisions from the Post-Tenure Review process may be appealed via the applicable collective bargaining agreement (CBA) or to the Faculty Senate Grievance Committee. In-unit faculty members may file a grievance pursuant to the CBA. Florida Statute Sec. 1001.741(2) prohibits arbitration on decisions relating to Post-Tenure Review. Should this legal prohibition become invalidated, arbitration will be governed pursuant to Article 20.

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