

ARTICLE 10
EMPLOYEE PERFORMANCE EVALUATIONS

10.1 Policy.

(a) Annual Evaluations. The purpose of the annual evaluation is to assess and communicate the nature and extent of an employee's performance of assigned duties consistent with the criteria specified in Section 10.4. Any employee whose employment will continue into the next academic year shall be evaluated. Employees shall be evaluated according to the most recently approved standards and procedures in place prior to the beginning of the evaluation period.

(b) Annual Evaluation Period. The annual evaluation period shall be for the calendar year, beginning January 1st. The evaluation period for research may be longer than one year if specified in the approved procedures and standards.

(c) Sustained Performance Evaluations. Tenured employees shall receive a sustained performance evaluation once every seven (7) years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous seven years of assigned duties to evaluate continued professional growth and development.

(d) Cumulative Progress Evaluations. Employees eligible for consideration for promotion to the rank of associate professor and/or tenure shall be informed of their progress toward promotion and/or tenure annually by the unit tenured employees, the department chair or unit head, and the dean. Each year's cumulative progress evaluation shall build upon prior cumulative progress evaluations so that an employee's progress toward tenure and/or promotion in a given year will be viewed in the context of attainments over the entire tenure and/or promotion earning period. ~~The cumulative progress evaluations shall be performed at the same time as the annual evaluation.~~ The cumulative progress evaluations are intended to provide an accurate assessment of cumulative performance as leading to attainment of promotion and/or tenure.

10.2 Sources and Methods of Evaluation.

(a) Each employee shall prepare an annual activity report. This report shall be due to the department chair or unit head no sooner than fourteen (14) days after the end of the evaluation period and no sooner than fourteen (14) days after receipt by the employee of all materials required to produce the report, including student evaluations and department/unit/college averages for these evaluations.

(b) In preparing the annual evaluation, the person(s) responsible for evaluating the employee shall consider, where appropriate, information from the following sources: immediate supervisor, peers, students, employee/self, 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, e.g., public school officials when an employee has a service assignment to the public schools.

(c) Observation/Visitation. The employee, 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 employee's annual evaluation. If the employee determines that this date is not appropriate because of the scheduled class activities, the employee may suggest a more appropriate date. If classroom observation or visitation will be considered in an employee's annual evaluation, no fewer than two (2) observations shall be made.

10.3 Procedures and Standards.

(a) Annual Evaluation. Annually, the department chair or unit head will prepare a written annual evaluation of all employees. ~~The annual evaluation will include the individual's cumulative progress evaluations, when applicable.~~

(1) The proposed written annual evaluation, including the employee's annual assignment which was furnished pursuant to Article 9, shall be provided to the employee within ninety (90) days after the ~~end of the evaluation period~~ annual activity reports are due.

(2) 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 person performing the evaluation and by the employee. The employee may attach a concise comment to the evaluation. A copy of the evaluation shall be provided to the employee.

(3) Upon written request from the employee, the person(s) responsible for supervising and evaluating an employee shall endeavor to assist the employee in addressing any performance deficiencies.

(b) Each University department or unit shall maintain procedures and standards by which to evaluate each employee. The standards shall identify the major performance elements relevant to the discipline, taking into account the according to criteria specified in Section 10.4. ~~The standards shall identify the major performance characteristics differentiating between~~ Evaluations shall use the rating categories of outstanding, above satisfactory, satisfactory, conditional, and unsatisfactory in each area of assignment. ~~for the teaching, research, and service areas of assignment.~~

(1) A committee of at least six (6) members including four (4) tenured unit employees elected by the unit, the department chair or unit head, and one representative appointed by the dean will participate in the development or revision of evaluation procedures and standards. In a department with fewer than four (4) tenured employees, ~~the entire department~~ all tenured unit employees shall serve on the committee, along with the department chair or unit head and one member appointed by the dean.

(2) Tenured employees in the department or unit shall recommend the procedures and standards or changes thereto developed by the committee by a majority vote in a secret ballot. ~~If a department or unit has fewer than four (4) tenured employees, all employees in the department shall participate in the vote until such time as the department or unit has four (4) or more tenured employees.~~ The employee vote shall be forwarded to the dean along with the committee's recommendations.

(3) The proposed procedures and standards, or revisions thereof, first shall be reviewed at the college level by the dean for consistency with the missions and goals of the college. If the dean determines that the recommended procedures and standards do not meet the

mission and goals of the college, the dean may refer them back to the department for revision with a written statement of the reasons for non-acceptance.

(4) Once the department and the college have developed and reviewed the procedures and standards, they will be forwarded to the president or president's representative for review and approval to ensure that they are consistent with the mission and goals of the University and that they comply with this Agreement. If the president or president's representative determines that the recommended procedures and/or standards do not meet the missions and goals of the University or do not comply with this Agreement conditions in Section 10.3(b) above, the proposal shall be referred to the college for revision by the department with a written statement of reasons for non-approval.

(5) If, one year after the initiation of the process described in 10.3(b), procedures and standards acceptable to the dean and president or president's representative have not been approved by the department or unit, draft procedures and standards, committee and department votes, and comments from the employees, committee, and the dean shall be forwarded to the president or president's representative for consideration. The president or president's representative, shall, in conjunction with the dean and the department head, and in consideration of the opinions of the employees and of approved procedures and standards for other departments and units, develop and institute new department or unit standards. These standards shall remain in place until such time as new standards and procedures are developed and approved according to the procedure outlined in 10.3(b).

(6) Approved procedures, standards and revisions thereof, 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 procedures for annual evaluation.

(7) Review of annual procedures and standards must occur on a regular basis and must be completed no later than five (5) years after the adoption or most recent review of those procedures and standards. The president or president's representative, the dean, and/or a majority of the tenured employees in the department or unit may initiate the review of procedures and standards at any time. The process for reviewing a department or unit's procedures and standards shall be the same as the process for developing procedures and standards as described in 10.3(b). The effective date for any revisions shall be the start of the annual evaluation period that begins after the date the revisions are approved by the president or president's representative and the employees of the department/unit are so informed in writing.

(c) Sustained Performance Evaluations and Performance Improvement Plan.

(1) At the end of seven (7) years of tenured service, and each subsequent seven (7) year period, an employee's sustained performance will be evaluated by the department chair or unit head, as appropriate. This evaluation will consist of a review of the annual evaluations for that seven-year period. If the employee's performance is, on average, below satisfactory for that seven-year period in any area of assigned duties, then the employee must be issued a performance improvement plan. For each area of assigned duties, 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 evaluations in that area over the seven year period and computing the numeric average. A value below 1.52.0 shall be considered below satisfactory performance in that area of assigned duties.

(2) A performance improvement plan shall be developed by the employee in concert with the supervisor and shall include specific measurable performance targets with target dates that must be completed in a period of three (3) years. The performance improvement plan shall be approved by the dean and the president or president's representative. The performance improvement plan shall address only those areas of the assignment for which performance was found to be below satisfactory, provided that the employee maintains satisfactory performance in other areas of assignment.

(3) When an employee has a performance improvement plan, the department chair or unit head will evaluate the employee's performance on the plan. The dean will also provide a separate evaluation of the employee's performance on the plan.

(4) The University shall provide for a process to accommodate instances when the employee and the supervisor cannot agree on the elements to be included in the performance improvement plan.

(5) 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 evaluation, which will be included in the evaluation file.

(d) Cumulative Progress Evaluations. All cumulative progress evaluations shall be completed ~~at the same time during the same semester~~ as the annual performance evaluation. ~~During the first annual evaluation process, an~~ Beginning with the second year of employment, an employee who is eligible for tenure and/or promotion to the rank of associate professor shall receive a cumulative progress evaluation ~~as a benchmark. In subsequent years, such an employee shall receive a cumulative progress evaluation~~ to inform the employee of his or her progress toward tenure and/or promotion. The cumulative progress evaluation is intended to provide assistance and counseling to candidates to help them to qualify themselves for tenure and/or promotion. Employees who are eligible for promotion to ranks other than associate professor may, at their option and upon written request, be similarly apprised of their progress toward promotion. Where required or requested, the unit tenured employees, the department chair or unit head and dean shall provide separate cumulative progress evaluations. For cumulative evaluations of progress towards promotion to professor, only tenured professors participate in the evaluation. If the department or unit has fewer than three tenured employees or tenured professors, as appropriate, the dean may increase the committee membership to three using tenured employees or tenured professors, as appropriate, from other departments or units. The employee may request, in writing, a meeting with an administrator at the next higher level to discuss concerns regarding the cumulative progress evaluation which were not resolved in previous discussions with the evaluator.

10.4 Criteria.

(a) The annual performance evaluation shall be based upon the professional performance of assigned duties in the areas of teaching, research, service, administrative duties, and other. ~~The overall evaluation rating shall reflect the employee's assignment of effort within and among units as well as the approved procedures and standards for each department or unit.~~ The annual performance evaluation shall include, where applicable:

(1) 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. 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, effective student performance evaluation procedures, and adherence to accepted standards of professional behavior in meeting responsibilities to students. The learning objectives of each course, the means of assessing learning objectives, and the actual outcomes of the assessment should be assessed as part of the teaching performance. The evaluator may take into account class notes, syllabi, student exams and assignments, and any other materials relevant to the employee's teaching assignment. The teaching evaluation must take into account any relevant materials submitted by the employee, including the results of peer evaluations of teaching, and may not be based primarily on student evaluations when this additional information has been made available to the evaluator.

(2) Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of creative activity. Evidence of research and other creative activity shall include, but not be limited to, published books; articles and papers in professional refereed journals; musical compositions, paintings, sculpture; works of performing art; papers presented at meetings of professional societies; funded grant activities; and research and creative activity that has resulted in publication, display, or performance. The evaluation shall include consideration of the employee's research quality and productivity during the evaluation period, other creative programs and contributions, and recognition by the academic or professional community.

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

(4) Participation in the governance processes of the University through significant service on committees, councils, and senates, beyond that associated with the expected responsibility to participate in the governance of the University through participation in regular departmental or college meetings.

(5) Other assigned University duties, such as attending commencement ceremonies, advising, counseling, supervision of interns, and academic administration, or as described in a position description, if any, of the position held by the employee.

~~(6) As provided for in Article 9.2, employees on nine-month contracts shall receive an assignment that provides allocations of their total effort to teaching, research, service, administrative duties, and other (to be specified). An increase in the allocation of effort to one area of assignment shall increase the quantity and/or quality of work expected in that area. Annual evaluation of employees shall follow the allocation of effort assigned, as well as the approved standards and procedures for the department or unit. Allocation of effort may reflect varying emphases at different times within an employee's career.~~

(7) All summer activities for which an employee receives compensation from the university shall be reported and shall be evaluated according to the criteria set forth in section 10.4(a). An employee may report activities related to the areas of assignment that are performed during times that the employee is not compensated by the university; if reported upon, these activities shall be evaluated.

(b) Sustained Performance Evaluations.

(1) The sustained performance evaluation shall be based upon a review by the department chair or unit head, every seven (7) years, of the prior seven (7) years' annual evaluations, including all areas addressed in the annual evaluations.

(2) Where there is a performance improvement plan for an employee, adherence to that plan, including targets and target deadlines, will be the sole criteria for the performance improvement plan evaluation.

(c) Cumulative Progress Evaluations.

(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) If 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.

10.5 Proficiency in Spoken English.

(a) 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) For non-tenured employees found to be deficient in the oral use of English as set forth in Section 10.5(a), the University shall provide, as needed, one or two month-long sessions with post-training evaluations administered through the Center for Multicultural and Multilingual Studies. Employees who require more than two sessions to speak English effectively will have to rely upon personal resources to correct this deficiency. Failure to correct the deficiencies may result in termination. This paragraph shall apply only during the first three years of employment.

10.6 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 process 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 president or president's representative have agreed.