

2001-2003 Board of Regents/United Faculty of Florida Collective Bargaining Agreement

ARTICLE 15

TENURE, CONTINUING MULTI-YEAR APPOINTMENTS, AND PERMANENT STATUS

15.1 Eligibility. Employees with the rank of Assistant Professor, Associate Professor, Professor, and other employees the Board may designate (such as Assistant Librarians, Associate Librarians, and Librarians at the University of Florida), shall be eligible for tenure, unless appointed pursuant to Section 8.4(g). Universities may, by rule, make Assistant Professors ineligible for tenure. The universities' rule-making power to make Assistant Professors ineligible for tenure shall apply only to employees appointed after January 1, 1982. Other employees shall be governed by the agreement in force at the time of their original appointment. The Board may designate other positions as tenure-earning and shall notify the employee of such status at the time of initial appointment. Tenure shall be in a department/unit or other appropriate administrative unit. Tenure shall not extend to administrative appointments in the General Faculty or Administrative and Professional classification plans.

15.2 Tenure Decision:

(a) An employee shall normally be considered for tenure during the sixth year of continuous service in a tenure-earning position including any prior service credit granted at the time of initial employment. An employee's written request for early tenure consideration is subject to the university's written agreement.

(b) By the end of six (6) years of service at the university, an employee eligible for tenure shall either be awarded tenure by the Board or given notice that further employment will not be offered. Upon written request by an employee within twenty (20) days of the employee's receipt of such notice, the university shall provide the employee with a written statement of reasons by the President or representative why tenure was not granted.

(c) Decision by the Board. The Board shall award tenure. This decision shall normally be made at the May Board Meeting but no later than the following meeting. The employee shall be notified in writing by the President or representative within five (5) days of the decision of the Board.

(d) An employee being considered for tenure prior to the sixth (6) year may withdraw from consideration on or before March 15 without prejudice.

15.3 Criteria for Tenure.

- (a) The decision to award tenure to an employee shall be a result of meritorious performance and shall be based on established criteria specified in writing by the Board and the universities. The decision shall take into account the following:
- (1) annual performance evaluations;
  - (2) the needs of the department/unit, college/unit, and university;
  - (3) the contributions of the employee to the employee's academic unit

(program, department/unit, college/unit); and

(4) the contributions the employee is expected to make to the institution.

(b) The university shall give a copy of the criteria for tenure to employees eligible for tenure, and each such employee shall be apprised in writing once each year of the employee's progress toward tenure. The appraisal shall be included as a separate component of the annual evaluation and is intended to provide assistance and counseling to candidates to help them to qualify themselves for tenure. The employee may request, in writing, a meeting with an administrator at the next higher level to discuss concerns regarding the tenure appraisal which were not resolved in previous discussions with the evaluator. The appraisals are not binding upon the university.

(c) Tenure criteria shall be available in the department/unit office and/or at the college/unit level.

#### 15.4 Modification of Criteria.

(a) Modifying Criteria. The Board and the universities may modify the criteria for tenure so long as the local UFF Chapter (in the case of Board criteria, the UFF) has been notified of the proposed changes and offered an opportunity to discuss such changes in consultation with the university President or representative (in the case of the Board criteria, the Board or its representative). Changes in criteria shall not become effective until one (1) year following adoption of the changes, unless mutually agreed to in writing by the local UFF

President

and the university President or representative (in the case of Board criteria, the Board or representative). The date of adoption shall be the date on which the changes are approved by the administrator at the highest level required under applicable university policies and procedures. Any proposal to develop or modify tenure criteria shall be available for discussion by members of the affected departments/units before adoption.

(b) Effect on Employees. The provisions of Section 9.3(d) are applicable

(3) to the modified criteria. Further, if an employee has at least three years of tenure-earning credit as of the date on which the tenure criteria are adopted under Section 15.4(a), above, the employee shall

be

evaluated for tenure under the criteria as they existed prior to modification unless the employee notified the university at least

thirty

(30) days prior to commencement of the tenure consideration that he/she chooses to be evaluated under the newly-adopted criteria.

#### 15.5 Recommendations and Procedures.

(a) Recommendations for the awarding of tenure shall be made by the employee's supervisor and shall include a poll by secret ballot of the tenured members of the employee's department/unit. The performance of

an

employee during the entire term of employment at the institution shall be considered in determining whether to grant tenure. Recommendations regarding tenure shall include a copy of applicable tenure criteria,

the

employee's annual assignments and annual evaluations, and, if the employee chooses, the employee's tenure appraisals. The reviewers at

any

stage in the review may request to review the appraisals. Prior to the

consideration of the employee's candidacy, the employee shall have the right to review the contents of the tenure file and may attach a brief and concise response to any materials therein. It shall be the responsibility of the employee to see that the file is complete. The provisions of Sections 11.2 through 11.8 of this Agreement shall apply to the contents of the tenure file.

days (b) If any material is added to the file after the commencement of consideration, a copy shall be sent to the employee within five (5)

(by personal delivery or by mail, return receipt requested). The employee may attach a brief response within five (5) days of his/her receipt of the added material. The file shall not be forwarded until either the employee submits a response or until the second five (5) day period expires, whichever occurs first. The only documents which may be considered in making a tenure recommendation are those contained or referenced in the tenure file.

#### 15.6 Other Considerations

(a) During the period of tenure-earning service, the employee's employment shall be governed by the provisions of Article 12.

(b) Part-time service of an employee employed at least one semester in any twelve (12) month period shall be accumulated. For example, two (2) semesters of half-time service shall be considered one-half year of service toward the period of tenure-earning service.

time (c) Where employees are credited with tenure-earning service at the

of initial appointment, all or a portion of such credit may be withdrawn

once by the employee prior to formal application for tenure.

#### 15.7 Transfer of Tenure.

(a) Tenured SUS employees who transfer within an SUS university or to another SUS university, and who are employed in the same or similar discipline, may transfer their tenure if a vacancy exists and they are offered employment through the normal hiring process. The amount of prior SUS service creditable toward tenure at another university may,

by

mutual agreement, be all or part of such service. In the absence of mutual agreement, all such service shall be credited.

(b) When a tenured SUS employee is transferred as a result of a reorganization or program curtailment within the university and is employed in the same or similar discipline in which tenure was granted, the employee's tenure shall be transferred to the new department.

15.8 Tenure upon Appointment. Tenure may be granted to an employee by the Board at the time of initial appointment, upon recommendation of the appropriate administrator. The administrator shall consider the recommendation of the department or equivalent unit prior to making his/her final tenure recommendation.

#### 15.9 Continuing Multi-Year Appointments at Florida Gulf Coast University.

(a) Each employee on a continuing multi-year appointment will be evaluated annually pursuant to Section 10.1(a). Upon receiving an overall satisfactory annual evaluation and meeting the criteria for continuing multi-year appointments established pursuant to Section 8.4(g), the employee's appointment will be extended one year, resulting in the employee having a full three-year continuing multi-year appointment, subject to the provisions of Section 15.9(b).

(b) Employees on continuing multi-year appointments shall receive a comprehensive sustained performance evaluation during the seventh year of the continuing multi-year appointment and every seven (7) years

thereafter. This comprehensive evaluation shall be a separate component of the annual evaluation and shall be conducted pursuant to procedures established pursuant to Section 8.4(g). This evaluation shall consider the employee's performance for the previous six-year period. This comprehensive evaluation shall be based on written criteria made available to all eligible employees and take into account annual performance evaluations; the needs of the department/unit, college/unit, and the university; the contributions of the employee to the employee's academic unit (program, department/unit, college/unit); and the contributions the employee is expected to make to the institution. The results of an employee's sustained performance evaluation may be used by the President or representative as the basis for probation or removal of the employee, pursuant to the criteria and procedures developed in Section 8.4(g).

15.10 Permanent Status for Developmental Research School Employees.

(a) Appointments of Developmental Research School (DRS) employees to the ranks of University School Assistant Professor, University School Associate Professor, and University School Professor, are permanent status earning when the appointments do not include the appointment status modifiers "acting," "joint," "provisional," "visiting," "research," "courtesy," "honorary," or "affiliate." Universities may, by rule, make employees appointed to the rank of University School Instructor eligible for permanent status. Appointments which include the appointment status modifiers "joint," "provisional," "visiting," "research," or "affiliate" may or may not earn time toward permanent status, as determined by the university at the time of appointment. If a DRS employee is initially appointed to the rank of University School Instructor or to a rank including the appointment status modifiers "joint," "provisional," "visiting," "research," or "affiliate" determined by the university not to earn time toward permanent status, and is subsequently appointed to a permanent status earning position, all or a portion of the employee's prior service in the non-permanent status earning position may be counted toward permanent status,

provided the university agrees in writing to credit such service.

(b) DRS employees shall be granted permanent status by the president provided that such employees:

- (1) hold the required educational qualifications;
- (2) have completed three years of full-time or equivalent part-time service in a permanent status-earning position in the school, such service being continuous except for leave duly authorized and granted;
- (3) have been reappointed for the fourth year;
- (4) have been reviewed by DRS faculty; and
- (5) have been recommended by the DRS Director and approved by the president for permanent status based on successful performance of duties and demonstration of professional competence. Prior to the end of three continuous years of full-time service in a permanent status earning position, the DRS Director shall provide notification to the employee of the granting of permanent status or one year notice of

nonreappointment.

(c) Permanent status shall become effective at the beginning of the school year following its being granted by the president.

(d) An employee with permanent status shall be entitled to continue in the same or similar position in the DRS until the employee resigns, is removed for just cause pursuant to Article 16, Disciplinary Action and Job Abandonment, is laid off pursuant to Article 13, Layoff and Recall, or their contractual status is changed as may be prescribed in the employee's contract.

(e) Permanent status shall be earned and held as a ranked employee; it shall not extend to an administrative or supervisory position. Upon release from an administrative or supervisory position, an employee shall be entitled to reassignment to the same or a similar position in which permanent status was attained, at the classification level and salary range which would have been earned had the position been held continuously.

15.11 Leave. Authorized leaves of absence may, under the provisions of Article 17, Leaves, be credited toward the period of tenure-earning service.

15.12 Termination/Layoff. Tenure/permanent status guarantees annual reappointment for the academic year until voluntary resignation, retirement, removal for just cause in accordance with the provisions of Article 16, Disciplinary Action and Job Abandonment, or layoff in accordance with the provisions of Article 13, Layoff and Recall, but does not extend to administrative appointments.