

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

(4) The University shall provide for a process to accommodate instances when the employee and the department chair or unit head 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 sustained performance evaluation, the performance improvement plan, and annual evaluations of performance on the sustained performance plan. Any such responses shall be included in the evaluation file.

10.4 Proficiency in Spoken English.

(a) Requirement. Employees must, to be involved in classroom instruction beyond one (1) semester, establish proficiency in the oral use of English, as set forth in Section 1012.93, Florida Statutes, and any applicable Board of Education or Board of Governors rule or resolution.

(b) Deficiency. For non-tenured employees found to be deficient in the oral use of English as set forth in Section 10.4(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.

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

Article 11 (TA 10/5/2012, no changes from white (handshake) book)

ARTICLE 11

EVALUATION FILE

11.1 Policy. There shall be one (1) evaluation file containing a dated copy of all documents used in the evaluation process, other than evaluations for tenure and/or promotion. When evaluations and other personnel decisions are made, other than for tenure and/or promotion, the only documents which may be used are those contained in that file. Such documents shall be placed in the evaluation file within a reasonable time after receipt by the custodian of the file.

11.2 Access. An employee may examine the evaluation file, upon reasonable advance notice, during the regular business hours of the office in which the file is kept, normally within the same business day as the employee requests to see it, and under such conditions as are necessary to insure its integrity and safekeeping. Upon request, an employee may paginate with successive whole numbers the materials in the file, and may attach a concise statement in response to any item therein. Upon request, an employee is

entitled to one (1) free copy of any material in the evaluation file. Additional copies may be obtained by the employee upon the payment of a reasonable fee for photocopying. A person designated by the employee may examine that employee's evaluation file with the written authorization of the employee concerned, and subject to the same limitations on access that are applicable to the employee.

11.3 Indemnification. The UFF agrees to indemnify and hold the University, its officials, agents, and representatives harmless from and against any and all liability for any improper, illegal, or unauthorized use by the UFF of information contained in such evaluation files.

11.4 Use of Evaluative Materials. In the event a grievance is filed, the University, UFF grievance representatives, the arbitrator, and the grievant shall have the right to use, in the grievance proceedings, copies of materials from the grievant's evaluation file.

11.5 Anonymous Material. There shall be no anonymous material in the evaluation file except for numerical summaries of student evaluations that are part of a regular evaluation procedure of classroom instruction and/or written comments from students obtained as part of that regular evaluation procedure. If written comments from students in a course are included in the evaluation file, all of the comments obtained in the same course must be included.

11.6 Peer Committee Evaluations. Evaluative materials, or summaries thereof, prepared by peer committees as part of a regular evaluation system, may be placed in an evaluation file when signed by a representative of the committee.

11.7 Removal of Contents. Materials shown to be contrary to fact shall be removed from the file. This section shall not authorize the removal of materials from the evaluation file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may also be removed pursuant to the resolution of a grievance.

11.8 Limited Access Information. Pursuant to Florida Statute 1012.91, information reflecting academic evaluation of employee performance shall be available for inspection only by the employee, the employee's representative, University officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating employee performance, those investigating the possibility of discrimination or retaliation, arbitrators or others engaged by the parties to resolve disputes, and others by court order. However, such limited access status shall not apply to summary data, by course, for the common "core" items contained in student course evaluations, which have been selected as such by the University and made available to the public on a regular basis.

Article 12 (TA 11/30/2012)

ARTICLE 12

NON-REAPPOINTMENT

12.1 No Property Right. No appointment or assignment shall create any right, interest, or expectancy in any other appointment or assignment beyond its specific terms, except as provided in Articles 8, 13, and 15.

12.2 Notice.