

1 **ARTICLE 11**
2 **EVALUATION FILE**

3 **11.1 Policy.** One evaluation file shall contain a dated copy of all documents used in the evaluation
4 process, other than evaluations for tenure and/or promotion. Only documents contained in the
5 evaluation file shall be used for evaluations and personnel decisions, other than for tenure and/or
6 promotion. Such documents shall be placed in the evaluation file within a week after receipt by the
7 custodian of the file. It is permissible for some documents, such as faculty annual reports, to be
8 preserved in a mainstream electronic format.

9 **11.2 Access.** An employee may examine the evaluation file, during regular business hours of the
10 office in which the file is kept, normally within the same business day, or as soon as practicable, as the
11 employee requests to see it, and under such conditions as are necessary to ensure its integrity and
12 safekeeping. The employee may numerically paginate the physical materials in the file, and may attach a
13 concise signed and dated statement in response to any item therein. An employee is entitled to one free
14 copy of any material in the evaluation file. Additional copies may be obtained by the employee upon the
15 payment of a reasonable fee for photocopying and the time required to carry out the task. Only a
16 person with written authorization from the employee may examine that employee's evaluation file,
17 subject to the same access limitations applicable to the employee.

18 **11.3 Indemnification.** The UFF agrees to indemnify and hold the University, its officials, agents, and
19 representatives harmless from and against any and all liability for any improper, illegal, or unauthorized
20 use by the UFF of information contained in such evaluation files.

21 **11.4 Use of Evaluative Materials.** The University, UFF grievance representatives, ~~the arbitrator,~~ and
22 the grievant or disputant shall have the right to use copies of materials from the employee's evaluation
23 file in grievance or dispute proceedings covered by this Agreement.

24 **11.5 Anonymous Material.** No anonymous material shall be in the evaluation file except numerical
25 summaries of student evaluations that are part of a regular evaluation procedure of classroom
26 instruction and/or written comments from students obtained as part of that regular evaluation
27 procedure. If written comments from students in a course are included in the evaluation file, all
28 comments obtained in the same course must be included.

29 **11.6 Peer Committee Evaluations.** Evaluative materials prepared by peer committees and signed by
30 a committee representative as part of a regular evaluation system, or summaries thereof, may be placed
31 in an evaluation file.

32 **11.7 Clarification/Removal of Contents.** Materials shown to be contrary to fact and/or materials that
33 are nullified pursuant to resolution of a grievance or dispute shall be marked as such as soon as
34 practicable and remain in removed from the file within three business days. This section shall not
35 authorize the removal of materials from the evaluation file when there is a dispute concerning a matter
36 of judgment or opinion rather than fact. ~~Materials may also be removed pursuant to resolution of a~~
37 ~~grievance.~~

Commented [CR1]: All public records must be maintained under FL law. However, any public record that might lead a reader/viewer to a faulty conclusion about an employee must be marked in such a way to correct or clarify the public record.

38 **11.8 Limited Access Records.** Pursuant to Florida Statute 1012.91, the following records are
39 confidential and exempt from s.119.07(1).

40 (a) Information reflecting academic evaluation of employee performance shall be available for
41 inspection only by the employee, and by officials of the University responsible for supervision of the
42 employee. However, such limited access status shall not apply to summary data, by course, for the
43 common "core" items contained in Student Perception of Instruction ("SPOI") form, which have been
44 selected as such by the University and made available to the public on a regular basis.

45 (b) Records maintained for investigation of employee misconduct, disciplinary proceedings, or
46 grievances or disputes shall be available for inspection only by the employee, those investigating the
47 possibility of misconduct, university officials conducting a grievance or dispute proceeding, ~~arbitrators or~~
48 ~~others engaged by the parties to resolve disputes~~, and others by court order. However, if the
49 investigation becomes inactive as defined at s.1012.91, or a final decision in such proceedings has been
50 made and the results provided to the employee, the records are no longer confidential.

51 (c) Notwithstanding the foregoing, any records or portions thereof which are otherwise
52 confidential by law shall continue to be exempt from the provisions of s.119.07(1). In addition, for sexual
53 harassment investigations, portions of such records that identify the complainant, a witness, or
54 information that could reasonably lead to identification of the complainant or a witness, are limited
55 access records.