

## 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 of Contents.** Materials shown to be contrary to fact and/or materials that are  
33 nullified pursuant to resolution of a grievance or dispute shall be marked as such as soon as practicable  
34 and remain in the file. This section shall not authorize the removal of materials from the evaluation file  
35 when there is a dispute concerning a matter of judgment or opinion rather than fact.

36 **11.8 Limited Access Records.** Pursuant to Florida Statute 1012.91, the following records are  
37 confidential and exempt from s.119.07(1).

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

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

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