

1 *Article 10*
2 **PERFORMANCE EVALUATIONS**

3 10.1 Purpose and Scope of Evaluation. The basic purpose of faculty evaluation is to recognize,
4 reward, and improve faculty performance in the functions of teaching, research, service, and
5 administrative and related duties that may be assigned.

6 10.2 Sources and Methods for Evaluation. Evaluations shall be based only upon assigned duties,
7 and shall carefully consider the nature of the assignments and quality of the performance.
8 Evaluations shall be based upon the assignments of responsibility, as described in Article 9, and
9 any dual compensation appointments, if applicable, for the period under evaluation, and shall take
10 into account the proportions, duties and nature of the assignments.

11 (a) All evaluations shall be performed during the spring semester ~~(with the exception of~~
12 ~~Sustained Performance Evaluations which may for 2012 be performed in the fall term)~~ and shall
13 take into account performance of assigned duties over a period consistent with approved
14 department criteria and may include multiple years. For faculty members who have been employed
15 at the University less than that period, the annual evaluation shall take into account their
16 performance since the start of employment at the University.

17 (b) An evaluation may only be changed through the appeal process as outlined in the
18 provisions of this article or through other provisions of the Agreement.

19 (c) The faculty of each department/unit shall develop and maintain specific written criteria and
20 procedures by which to evaluate faculty members consistent with the criteria specified in this
21 Article and subject to the approval of the unit's dean. These criteria and procedures shall be the
22 sole basis upon which faculty performance is measured.

23 (d) Development Process for Criteria and Procedures. If criteria and procedures for evaluating
24 faculty performance are not on file, they shall be developed. If such criteria and procedures are
25 already on file, the faculty of the department/unit shall review and revise them after ratification of
26 this Agreement.

27 (1) The department/unit administrator shall discuss with the department/unit faculty
28 members who are to participate in the development or revision process the existing criteria and
29 procedures of the department/unit, the mission and goals of the department/unit and the University,
30 the provisions of the BOT-UFF Collective Bargaining Agreement, and relevant state law. A copy
31 of the BOT-UFF Collective Bargaining Agreement and the relevant portions of state law shall be
32 provided to each department/unit at the outset of the process.

33 (2) These criteria and procedures, and any revisions thereof, shall be recommended by a
34 secret ballot vote of a majority of the faculty members in the department/unit.

35 (e) These criteria and procedures shall

36 (1) Be consistent with the criteria and procedures specified in this Article and with all the
37 other provisions of this Agreement.

38 (2) Satisfy all provisions of Article 23 with regard to department/unit criteria and
39 evaluative procedures for the distribution of merit-based salary increases.

40 (3) Be adaptable to various assigned duties, so that all faculty have an equal opportunity to
41 earn favorable performance evaluations. The criteria must provide that the FTE allocated to each
42 part of the faculty member's annual assignment shall be used to weight the performance of each

1 part for determination of the overall assessment of performance/merit.

2 (4) Take into consideration the department's mission and reasonable expectations for
3 different classifications/ranks, experience, and stages of career.

4 (5) Provide for a peer review component in the annual evaluation.

5 (6) Specify a new effective date.

6 (7) Be detailed enough that any reasonable faculty member can understand what
7 performance is required to earn each performance evaluation rating.

8 (8) Ensure that faculty members on approved leave are not penalized in the evaluation
9 process.

10 (f) The criteria and procedures shall be periodically reviewed by the faculty for consistency,
11 revised as appropriate, and subjected to a reaffirmation ballot whenever a change is made to this
12 Article. Subsequent revisions may be initiated by a majority vote of at least a quorum of the faculty
13 members subject to evaluation or upon the initiative of the department/unit administrator.

14 (g) Departments/units are encouraged to exchange and discuss drafts of their faculty evaluation
15 criteria and procedures during the formulation and revision processes.

16 (h) Approval Process.

17 (1) The University President or representative shall review the proposed criteria and
18 procedures or revisions thereof to ensure that they comply with the provisions of this Article. The
19 President or representative shall notify the department/unit of his or her approval or non-approval
20 within sixty (60) days of receipt, if practicable. However, final notification shall occur no later
21 than ninety (90) days after receipt. In the case of a non-approval, the notification will provide a
22 written statement of reasons.

23 (2) In the case of non-approval, the department/unit has ninety (90) days after notification
24 to revise and resubmit the proposal, and the President or representative shall review it within sixty
25 (60) days of receipt and notify the department of approval or non-approval, and in the case of non-
26 approval, provide a written statement of reasons. In the event that the next version is also not
27 approved, the criteria shall be forwarded to the Vice President for Faculty Development and
28 Advancement who will resolve any discrepancies and the criteria and procedures shall be imposed.

29 (i) Approved or imposed faculty evaluation criteria and procedures, and revisions thereof, and
30 any related recommendations shall be kept on file in the department/unit and college offices, in
31 the Office of Faculty Development and Advancement, and posted on the department/unit and
32 college/unit websites. Faculty members in each department/unit shall be provided a copy of that
33 department's/unit's current faculty evaluation criteria and procedures at the start of the spring
34 semester.

35 (j) No merit ~~or market equity salary~~ increases shall be provided to a department/unit until its
36 faculty evaluation criteria and procedures have been approved by the University President or
37 representative.

38 (k) No faculty member shall be evaluated according to new criteria and procedures prior to the
39 President or representative's final approval of these criteria and procedures or until they are
40 imposed by the Vice President for Faculty Development and Advancement.

41 (l) No evaluations shall require a forced or pre-specified distribution of ratings.

1 10.3 Annual Evaluations. Annual performance evaluations shall be based upon the assignments
2 of responsibility, as described in Article 9, for the period under evaluation, and shall take into
3 account the proportions, duties and nature of the assignments. The faculty member's history of
4 annual evaluations shall be considered in recommendations and final decisions on promotions
5 (except to Associate Professor) and appointment and non-reappointment.

6 (a) Sources for Annual Evaluations. In preparing the annual evaluation, the person(s)
7 responsible for evaluating the faculty member may consider, in light of the department/unit's
8 faculty evaluation criteria, pertinent information from the following sources: immediate
9 supervisor, peers, students, faculty member/self, other University officials who have responsibility
10 for supervision of the faculty member, and individuals to whom the faculty member may be
11 responsible in the course of a service assignment, including public school officials when a faculty
12 member has a service assignment to the public schools.

13 (b) Teaching effectiveness. Includes effectiveness in presenting knowledge, information, and
14 ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration,
15 laboratory exercise, practical experience, and direct consultation with students.

16 (1) The evaluation shall include consideration of effectiveness in imparting knowledge and
17 skills, and effectiveness in stimulating students' critical thinking and/or creative abilities, the
18 development or revision of curriculum and course structure, and adherence to accepted standards
19 of professional behavior in meeting responsibilities to students.

20 (2) The evaluation shall include consideration of class size format, preparation time,
21 whether the course is required or elective, availability of assistance, and other University teaching
22 duties, such as advising, counseling, supervision of interns, or duties described in a Position
23 Description, if any, of the position held by the faculty member.

24 (3) The teaching evaluation must take into account any relevant materials submitted by the
25 faculty member. Examples of such materials include class notes, syllabi, student exams and
26 assignments, supplementary material and peer evaluations of teaching. The teaching evaluation
27 may not be based primarily on student perceptions when additional information has been made
28 available to the evaluator.

29 (4) Observation/Visitation.

30 a. The faculty member, if assigned teaching duties, shall be notified at least two (2)
31 weeks in advance of the date, time, and place of any direct classroom observation or visitation
32 (including visitation or monitoring of a course website) made in connection with the faculty
33 member's annual evaluation. If the faculty member determines that this date is not appropriate,
34 because of the scheduled class activities, the faculty member and the person(s) responsible for
35 performing the observation or visitation will mutually agree upon an alternate date.

36 b. Upon request, a faculty member is entitled to an evaluation of teaching based on
37 direct observation or visitation by one or more peers.

38 c. Whenever a person conducts a classroom visit for the purpose of evaluation, a
39 report of his/her observations must be submitted to the faculty member within ten (10) working
40 days of the observation. Otherwise, nothing from the visit may be used in the evaluation process.

41 i. The report must suggest corrective actions for any shortcoming that is
42 identified.

43 ii. No corrective actions that impinge upon academic freedom may be suggested.

44 d. A faculty member who challenges an observation report may choose a colleague to
45 observe his or her class and submit a report. The colleague may be from the same department/unit,
46 from a department/unit with a compatible discipline, a retired colleague, or a colleague in the

1 discipline from another university. Such a report shall be given equal consideration with other
2 reports of classroom visitation.

3 (c) Contribution to the discovery of new knowledge. Includes development of new educational
4 techniques, and other forms of creative activity.

5 (1) Evidence of research and other creative activity shall include, but not be limited to,
6 published books, chapters in books, articles in refereed and un-refereed professional journals,
7 musical compositions, exhibits of paintings and sculpture, works of performance art, papers
8 presented at meetings of professional societies, reviews, and research and creative activity that has
9 not yet resulted in publication, display, or performance.

10 (2) The evaluation shall include consideration of the faculty member's productivity,
11 including the quality and quantity of the faculty member's research and other creative programs
12 and contributions during the period under evaluation. The evaluation of quality shall include
13 consideration of recognitions by the academic or professional community.

14 (d) Service. Evaluation of service shall include consideration of contributions to:

15 (1) the orderly and effective functioning of the faculty member's academic unit (program,
16 department, school, college) and/or the total University, including participation in regular
17 departmental or college meetings;

18 (2) the University community, including participation in the governance processes of the
19 institution through significant service on University committees and councils, **in UFF activities**,
20 and in Faculty Senate activities;

21 (3) the local, state, regional and national communities, and scholarly and professional
22 associations, including participation in professional meetings, symposia, conferences, workshops,
23 service on local, state, and national governmental boards, agencies and commissions; and service
24 to public or private schools;

25 (4) other assigned University duties, such as academic administration, of the position held
26 by the faculty member. Evaluations for department chairs should consider responsibilities of the
27 chair such as departmental planning and goal setting, assignment of work responsibilities and
28 resources, fiscal responsibilities, recruitment and hiring, mentoring, evaluation of faculty, handling
29 of personnel issues involving faculty and staff, academic program responsibilities, implementation
30 of University policy, and communication both within the department and with administrators
31 regarding the department;

32 (5) such other responsibilities as may be appropriate to the assignment.

33 (e) These criteria may be elaborated, augmented, and refined by recommendation of the
34 faculty of the department/unit, as provided in this Article.

35 (f) Methods for Annual Performance Evaluations

36 (1) Evaluator. The evaluator will normally be the administrator of the department/ unit in
37 which the faculty member holds an appointment at the time the evaluation is performed. Faculty
38 members holding concurrent appointments in more than one department/unit shall be evaluated by
39 the administrators of each unit in which they hold an appointment. Faculty members earning or
40 holding tenure in a unit in which they do not hold an appointment shall also be evaluated by the
41 administrator of the unit in which they are earning or hold tenure.

42 a. Department/unit administrators who are faculty members shall be evaluated by
43 their respective deans.

1 b. Each evaluator shall be familiar with the provisions of this Agreement, any
2 applicable Florida Statutes and Board policies, and the department/unit criteria and procedures
3 specified by this Article for the annual evaluation of the faculty.

4 (2) The performance of faculty members, other than those who have received notice of
5 non-reappointment under Article 12 or are not entitled to receive notice of non-reappointment
6 under Article 12, shall be evaluated. The evaluation shall be consistent with the criteria specified
7 in Section 10.2.

8 (3) Evidence of Performance Report. The administrator responsible for the annual
9 evaluation shall request each member of the faculty to submit to him or her, annually, a report of
10 Evidence of Performance in teaching, research or creative activities, service, and other University
11 duties where appropriate.

12 a. The Evidence of Performance report (EOP) shall be submitted after the end of each
13 calendar year, and shall cover the preceding calendar year.

14 b. Each department/unit shall specify in detail the required format and minimal
15 content of the EOP, pursuant to this section.

16 c. The EOP shall also include any interpretive comments or supporting data that the
17 faculty member deems appropriate in evaluating his or her performance.

18 d. Any materials required for the EOP that depend on the University administration
19 shall be provided to the faculty member no less than fourteen (14) days prior to the date upon
20 which the Evidence of Performance report is due.

21 e. If a faculty member fails to submit an EOP report (after notification of such failure),
22 this may result in an overall evaluation of “Does Not Meets FSU’s High Expectations.”

23 (4) Those persons responsible for supervising and evaluating shall endeavor to assist the
24 person being evaluated in correcting any performance deficiencies reflected in the evaluation.

25 a. The supervisor may informally coach or counsel faculty with the goal of improving
26 performance. Such advice is not disciplinary, nor may it be part of the evaluation file.

27 b. The supervisor may offer advice for improvement in the annual Progress towards
28 Promotion letter and/or the annual Narrative Report.

29 c. The supervisor may create a structured improvement plan via a Performance
30 Improvement Plan (PIP) as outlined in Section 10.5 (3).

31
32 (5) The Annual Performance Evaluation shall provide for an assessment of performance
33 for each faculty member using the following ratings:

34 a. Substantially Exceeds FSU’s High Expectations

35 b. Exceeds FSU’s High Expectations

36 c. Meets FSU’s High Expectations

37 d. Official Concern

38 e. Does Not Meet FSU’s High Expectations

39 10.4 Merit Evaluations.

40 (a) The determination of meritorious performance for the distribution of funds allocated for
41 merit-based salary increases pursuant to Article 23 shall be according to each department/unit’s
42 faculty evaluation criteria and procedures developed pursuant to this section, which must be

1 consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty
2 members will be reviewed for merit.

3 (b) These criteria and procedures may include any refinements of the methods for the
4 distribution of salary increase funds that are permitted by Article 23 and are based on a period of
5 time consistent with approved department criteria, which may include multiple years of
6 performance.

7 (c) Merit distribution criteria:

8 (1) Must define meritorious performance as “performance that meets or exceeds the
9 expectations for the position classification and department/unit.”

10 (2) May permit, but not mandate, a merit pay award for all members of the department/unit.

11 (3) Must establish distinctive levels of merit reflecting the differences in performance.

12 (d) Merit distribution plans are subject to the approval of the department chair (or in non-
13 departmentalized units, the dean). If the chair makes any changes to the merit distribution plan
14 proposed by a faculty evaluation committee, she/he shall report such changes to the faculty
15 evaluation committee, if there is such a body. The original merit distribution plan along with any
16 recommendations by the chair shall be submitted to the dean and the provost. The dean and the
17 provost provide final approval of merit distribution plans. Any changes at this level to the merit
18 distribution plan shall be reported to the chair by the dean's office, and the chair will inform the
19 faculty evaluation committee, if there is such a body.

20 10.5 Annual Evaluation Reporting Procedures

21 (a) Evaluation Summary Form. The evaluator shall annually prepare the faculty member’s
22 written annual performance evaluation on the Annual Evaluation Summary Form provided in
23 Appendix “F.” The completed form and its attachments comprise the annual evaluation report.

24 (1) This Evaluation Summary Form and its attachments shall be distributed to the faculty
25 member no later than June 15.

26 (2) Faculty members holding joint appointments in other areas, departments or divisions
27 shall be evaluated concurrently using the same criteria and procedures as other faculty in the
28 department/unit. Each evaluator shall evaluate the faculty member only with respect to principal
29 duties within that department/unit. Such concurrent summaries shall be forwarded to the
30 administrator responsible for review of evaluations for the department/unit as specified in (c)
31 below.

32 (3) Faculty members eligible for promotion or for tenure (except for Assistant Professors
33 in the years in which they receive **their Tenure Review Report in either their second and fourth**
34 **year, or third year reviews, as outlined in Section 15.3 (e)(3))** shall be apprised annually in writing
35 of progress towards promotion or tenure in order to provide assistance and counseling in working
36 toward that goal.

37 (4) All faculty members, including those ineligible for promotion, shall receive a narrative
38 evaluation appended to the Evaluation Summary Form.

39 (5) The provision on the Annual Evaluation Summary Form under the heading
40 “TEACHING” for certification of Spoken English Competency shall be utilized only:

41 a. to certify competency following completion of options for remediation specified
42 following an “Official Concern” evaluation in this area given either in the previous annual
43 evaluation or with an original appointment, or

44 b. to call into question a previous certification of competency.

1 (6) If “Official Concern” is noted in the Spoken English Competency category, options for
2 remediation shall be in writing with a copy attached to the Annual Evaluation Summary Form.

3 (7) The evaluation report shall be signed and dated by the person performing the
4 evaluation.

5 (b) Discussion. After completion of the Annual Evaluation Summary Form, the evaluator shall
6 discuss the Summary with the faculty member concerned.

7 (1) The faculty member may attach to the Summary any statement he or she desires.

8 (2) The persons responsible for supervising and evaluating shall endeavor to assist the
9 person being evaluated in correcting any performance deficiencies reflected in the evaluation.

10 (3) For non-tenured faculty members, in the case of an evaluation rating of “Does Not Meet
11 FSU’s High Expectations,” the evaluator shall fully document the rating prior to discussion with
12 the faculty member. Non-tenured faculty members whose overall performance is rated “Does Not
13 Meet FSU’s High Expectations” in any given year may be placed on a Performance Improvement
14 Plan (PIP). A tenured faculty member whose overall performance is rated “Does Not Meet FSU’s
15 High Expectations” in three (3) or more of the previous six (6) evaluations may be placed on a
16 PIP. A PIP shall be developed in one or more areas of assigned duties. The PIP shall be developed
17 by the faculty member’s supervisor in concert with the faculty member, and shall be written. It
18 shall include specific performance goals and timetables to assist the faculty member in achieving
19 at least a “Meets FSU’s High Expectations” rating. Specific resources identified in an approved
20 PIP, shall be provided by the department/unit. Examples of recommendations/resources include,
21 but are not limited to: audit a course; participate in a webinar or webcast; work with or observe the
22 work of an outstanding professor; etc. If the faculty member and the supervisor are unable to agree
23 on the elements of the PIP, the dean shall make the final determination on the elements of the PIP.
24 The PIP shall be approved by the President or representative and attached to the Annual Evaluation
25 Summary Form. The supervisor shall meet periodically with the faculty member to review
26 progress toward meeting the performance goals. It is the responsibility of the faculty member to
27 successfully complete the PIP.

28 (4) After discussion is completed and attachments made, the faculty member will indicate
29 that the evaluation has been reviewed by signing the Annual Evaluation Summary Form and
30 indicating the number of pages attached to it. The required signature of the person being evaluated
31 certifies that the required discussion of the rating has taken place. It does not imply that the person
32 being evaluated has agreed with the rating. Those not agreeing should be referred to the procedure
33 for appealing an Annual Evaluation Summary, in Section 10.7.

34 (5) A copy of the Annual Evaluation Summary Form and attachments shall be made
35 available to the person being evaluated.

36 (c) Review. The Annual Evaluation Summary Form and attachments shall be reviewed by the
37 appropriate administrative officer. The reviewer will normally be the dean of the college in which
38 the faculty member holds the faculty position. When the dean of a college is the evaluator, the
39 Annual Evaluation Summary shall be reviewed by the Vice President for Faculty Development
40 and Advancement.

41 (1) Upon the completion of the discussion with the faculty member, the Annual Evaluation
42 Summary Form and attachments shall be forwarded to the appropriate reviewer.

43 (2) The reviewer shall sign the Annual Evaluation Summary Form and attachments if he
44 or she agrees with it.

45 (3) If the reviewer disagrees, he or she may discuss the area of disagreement with the

1 evaluator, at which time two courses of action are available to the reviewer: The reviewer may
2 submit his or her own Evaluation Summary Form and attachments or may revise the original.
3 When the reviewer prepares his or her own Faculty Evaluation Summary, the original Evaluation
4 Summary Form and attachments must be appended to the reviewer's summary.

5 ~~(d) In the event of the non-renewal of a faculty member at a date other than the end of an~~
6 ~~academic year, a special report shall be prepared. A special report may also be required when~~
7 ~~directed by the President, Provost and Academic Vice President, or the Vice President for Faculty~~
8 ~~Development and Advancement.~~

9 10.6 Disposition of the Evaluation Summary Form and attachments.

10 (a) After the Evaluation Summary Form and attachments have been reviewed by the
11 appropriate reviewer, they shall be filed in the faculty member's official evaluation file. The
12 contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the
13 faculty member evaluated and those whose duties require access.

14 (b) For faculty holding joint appointments copies of all evaluations shall be filed in the official
15 evaluation file.

16 (c) When the overall performance is rated "Does Not Meet FSU's High Expectations," a copy
17 of the Evaluation Summary Form and attachments must be forwarded to the Provost and Vice
18 President for Academic Affairs and the President of the University through the Vice President for
19 Faculty Development and Advancement.

20 10.7 Provision for Appeal

21 (a) If a faculty member is not satisfied with the Evaluation Summary prepared by the evaluator
22 (department chair or equivalent), including the determination of failure to successfully complete a
23 PIP, the faculty member may register his or her disagreement in writing and attach it to the
24 Evaluation Summary to be placed in the evaluation file.

25 (b) In addition, the faculty member may submit a written request for review of the evaluation
26 by appropriate higher level reviewer (dean or equivalent) within thirty (30) days after being
27 informed of the evaluation. The reviewer, like the evaluator, shall have complete freedom of
28 action, consistent with this Agreement, in seeking to settle or resolve differences concerning
29 evaluations and presumably his or her efforts will be largely conciliatory. The reviewer shall meet
30 with the faculty member to discuss the request within fifteen (15) days of receipt of the written
31 request for review. Within fifteen (15) days of receipt of the written request, the reviewer shall
32 reach a decision and report it to the faculty member.

33 (c) If the faculty member is not satisfied with the reviewer's decision, the faculty member may
34 request in writing a review from the Vice President for Faculty Development and Advancement
35 within fifteen (15) days after the reviewer's decision. Within fifteen (15) days of receipt of the
36 written request, the Vice President for Faculty Development and Advancement shall meet with the
37 faculty member to discuss the request. Within fifteen (15) days of receipt of the written request,
38 the Vice President for Faculty Development and Advancement shall reach a decision and report it
39 to the faculty member.

40 (d) An appeal of the decision of the Vice President for Faculty Development and Advancement
41 may be made to the Provost and Vice President for Academic Affairs. Such a request for review

1 shall be made in writing within fifteen (15) days after the Vice President for Faculty Development
2 and Advancement’ decision. Within fifteen (15) days of the receipt of the written request, the
3 Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty
4 member.

5 10.9 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral
6 English language skills unless proved deficient in accordance with the appropriate procedures and
7 examinations for testing such deficiency.

8 (a) Faculty members involved in classroom instruction, other than in courses conducted
9 primarily in a foreign language or courses not requiring facility in spoken English, who are found
10 by their supervisor, as part of the annual evaluation, to be potentially deficient in English oral
11 language skills, shall be tested in accordance with appropriate procedures and examinations
12 established herein for testing such skills. No reference to an alleged deficiency shall appear in the
13 annual evaluation or in the personnel file of a faculty member who achieves a satisfactory
14 examination score determining proficiency in oral English as specified in the rule (currently “50”
15 or above on the Test of Spoken English).

16 (b) Faculty members who score at a specified level on an examination established herein for
17 testing oral English language skills (“45” on the Test of Spoken English), may continue to be
18 involved in classroom instruction up to one (1) semester while enrolled in appropriate English
19 language instruction, as described in paragraph (d) below, provided the appropriate administrator
20 determines that the quality of instruction will not suffer. Only such faculty members who
21 demonstrate, on the basis of examinations established by statute and rule, that they are no longer
22 deficient in oral English language skills may be involved in classroom instruction beyond one (1)
23 semester.

24 (c) Faculty members who score below a minimum score on an examination established herein
25 for determining proficiency in oral English (currently “45” on the Test of Spoken English) shall
26 be assigned appropriate non-classroom duties for the period of oral English language instruction
27 provided by the Board under paragraph (d) below, unless during the period of instruction the
28 faculty member is found, on the basis of an examination specified above, to be no longer deficient
29 in oral English language skills. In that instance, the faculty member will again be eligible for
30 assignment to classroom instructional duties and shall not be disadvantaged by the fact of having
31 been determined to be deficient in oral English language skills.

32 (d) It is the responsibility of each faculty member who is found, as part of the annual
33 evaluation, to be deficient in oral English language skills by virtue of scoring below the satisfactory
34 score on an examination established herein to take appropriate actions to correct these deficiencies.
35 To assist the faculty member in this endeavor, the Board shall provide appropriate oral English
36 language instruction without cost to such faculty members for a period consistent with their length
37 of appointment and not to exceed two (2) consecutive semesters. The time the faculty member
38 spends in such instruction shall not be considered part of the individual assignment or time worked,
39 nor shall the faculty member be disadvantaged by the fact of participation in such instruction.

40 (e) If the Board determines, as part of the annual evaluation, that one (1) or more
41 administrations of a test to determine proficiency in oral English language skills is necessary, in
42 accordance with this section, the Board shall pay the expenses for up to two (2) administrations of
43 the test. The faculty member shall pay for additional testing that may be necessary.

1 10.10 Employee Assistance Programs. Neither the fact of a faculty member's participation in an
2 employee assistance program nor information generated by participation in the program shall be
3 used as evidence of a performance deficiency within the evaluation process described in this
4 Article, except for information relating to a faculty member's failure to participate in an employee
5 assistance program consistent with the terms to which the faculty member and the Board have
6 agreed.
7