

Article 10
PERFORMANCE EVALUATIONS

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

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

(a) All evaluations shall be performed during the spring semester and shall take into account performance of assigned duties over a period consistent with approved department criteria and may include multiple years. For faculty members who have been employed at the University less than that period, the annual evaluation shall take into account their performance since the start of employment at the University.

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

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

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

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

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

(e) These criteria and procedures shall

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

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

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

Renisha Gibbs	Michael Mattimore	Scott Hannahs	Jennifer Proffitt
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42 part for determination of the overall assessment of performance/merit.

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

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

46 (6) Specify a new effective date.

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

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

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

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

57 (h) Approval Process.

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

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

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

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

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

80 10.3 Annual Evaluations. Annual performance evaluations shall be based upon the assignments
81 of responsibility, as described in Article 9, for the period under evaluation, and shall take into

Renisha Gibbs
Co-Chief Negotiator
FSU - BOT

Michael Mattimore
Co-Chief Negotiator
FSU - BOT

Scott Hannahs
Co-Chief Negotiator
UFF – FSU Chapter

Jennifer Proffitt
Co-Chief Negotiator
UFF – FSU Chapter

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82 account the proportions, duties and nature of the assignments. The faculty member's history of
 83 annual evaluation summary forms, narratives, optional responses, and letters of progress towards
 84 promotion shall be considered in recommendations and final decisions on promotions and
 85 appointment and non-reappointment.

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

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

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

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

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

109 (4) Observation/Visitation.

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

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

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

121 i. The report must suggest corrective actions for any shortcoming that is
 122 identified.

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

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

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

Jennifer Proffitt
 Co-Chief Negotiator
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127 discipline from another university. Such a report shall be given equal consideration with other
 128 reports of classroom visitation.

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

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

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

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

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

144 (2) the University community, including participation in the governance processes of the
 145 institution through significant service on University committees and councils, in UFF activities,
 146 and in Faculty Senate activities;

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

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

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

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

161 (f) Methods for Annual Performance Evaluations

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

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

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

Jennifer Proffitt
 Co-Chief Negotiator
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170 b. Each evaluator shall be familiar with the provisions of this Agreement, any
 171 applicable Florida Statutes and Board policies, and the department/unit criteria and procedures
 172 specified by this Article for the annual evaluation of the faculty.

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

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

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

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

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

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

190 e. If a faculty member fails to submit an EOP report (after notification of such failure),
 191 this may result in an overall evaluation of "Does Not Meets ~~FSU's High~~ Expectations."

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

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

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

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

200
 201 (5) The Annual Performance Evaluation shall provide for an assessment of performance
 202 for each faculty member using the following ratings:

203 a. ~~Substantially~~ Exceeds ~~FSU's High~~ Expectations

204 b. ~~Meets/Exceeds~~ ~~FSU's High~~ Expectations

205 ~~c. Meets FSU's High Expectations~~

206 ~~cd.~~ Official Concern

207 ~~de.~~ Does Not Meet ~~FSU's High~~ Expectations

208 10.4 Merit Evaluations.

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

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

Jennifer Proffitt
 Co-Chief Negotiator
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212 consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty
213 members will be reviewed for merit.

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

218 (c) Merit distribution criteria:

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

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

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

223 (d) Merit distribution plans are subject to the approval of the department chair (or in non-
224 departmentalized units, the dean). If the chair makes any changes to the merit distribution plan
225 proposed by a faculty evaluation committee, she/he shall report such changes to the faculty
226 evaluation committee, if there is such a body. The original merit distribution plan along with any
227 recommendations by the chair shall be submitted to the dean and the provost or designee. The dean
228 and the provost or designee provide final approval of merit distribution plans. Any changes at this
229 level to the merit distribution plan shall be reported to the chair by the dean's office, and the chair
230 will inform the faculty evaluation committee, if there is such a body.

231 10.5 Annual Evaluation Reporting Procedures

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

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

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

243 (3) Faculty members eligible for promotion or for tenure (except for Assistant Professors
244 in the years in which they receive their Tenure Review Report, as outlined in Section 15.3 (e)(2))
245 shall be apprised annually in writing of progress towards promotion or tenure in order to provide
246 assistance and counseling in working toward that goal. Progress toward promotion or tenure may
247 be included in the narrative accompanying the annual evaluation (10.5(a)(4)).

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

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

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

Renisha Gibbs	Michael Mattimore	Scott Hannahs	Jennifer Proffitt
Co-Chief Negotiator	Co-Chief Negotiator	Co-Chief Negotiator	Co-Chief Negotiator
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255 b. to call into question a previous certification of competency.
256 (6) If “Official Concern” is noted in the Spoken English Competency category, options for
257 remediation shall be in writing with a copy attached to the Annual Evaluation Summary Form.

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

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

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

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

265 (3) ~~For non-tenured faculty members, I~~ in the case of an evaluation rating of “Does Not
266 Meet ~~FSU’s High-Expectations~~,” the evaluator shall fully document the rating prior to discussion
267 with the faculty member. ~~Non-tenured F~~ faculty members whose overall performance ~~is rated~~
268 ~~“Does Not Meet FSU’s High Expectations”~~ in any given year ~~or whose performance in any single~~
269 ~~domain (i.e. research, teaching or service) in three (3) or more of the previous six (6) evaluations~~
270 ~~is rated below “Does Not Meets -FSU’s High-Expectations”,~~ may be placed on a Performance
271 Improvement Plan (PIP). ~~A tenured faculty member whose overall performance in any~~
272 ~~performance domain (i.e., research, teaching or service) is rated “Does Not Meet FSU’s High~~
273 ~~Expectations” in three (3) or more of the previous six (6) evaluations may be placed on a PIP.~~ A
274 PIP shall be developed in one or more areas of assigned duties. The PIP shall be developed by the
275 faculty member’s supervisor in concert with the faculty member, and shall be written. It shall
276 include specific performance goals and timetables to assist the faculty member in achieving at least
277 a “Meets ~~FSU’s High-Expectations~~” rating. Specific resources identified in an approved PIP, shall
278 be provided by the department/unit. Examples of recommendations/resources include, but are not
279 limited to: audit a course; participate in a webinar or webcast; work with or observe the work of
280 an outstanding professor; etc. If the faculty member and the supervisor are unable to agree on the
281 elements of the PIP, the dean shall make the final determination on the elements of the PIP. The
282 PIP shall be approved by the President or representative and attached to the Annual Evaluation
283 Summary Form. The supervisor shall meet periodically with the faculty member to review
284 progress toward meeting the performance goals. It is the responsibility of the faculty member to
285 successfully complete the PIP.

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

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

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

Renisha Gibbs
Co-Chief Negotiator
FSU - BOT

Michael Mattimore
Co-Chief Negotiator
FSU - BOT

Scott Hannahs
Co-Chief Negotiator
UFF – FSU Chapter

Jennifer Proffitt
Co-Chief Negotiator
UFF – FSU Chapter

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

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

303 (3) If the reviewer disagrees, he or she may discuss the area of disagreement with the
 304 evaluator, at which time two courses of action are available to the reviewer: The reviewer may
 305 submit his or her own Evaluation Summary Form and attachments or may revise the original.
 306 When the reviewer prepares his or her own Faculty Evaluation Summary, the original Evaluation
 307 Summary Form and attachments must be appended to the reviewer's summary.

308 10.6 Disposition of the Evaluation Summary Form and attachments.

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

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

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

319 10.7 Provision for Appeal

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

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

332 (c) If the faculty member is not satisfied with the reviewer's decision, the faculty member may
 333 request in writing a review from the Provost and Vice President for Academic Affairs (or designee)
 334 ~~Vice President for Faculty Development and Advancement~~ within fifteen (15) days after the
 335 reviewer's decision. Within fifteen (15) days of receipt of the written request, the Provost or
 336 designee Vice President for Faculty Development and Advancement shall meet with the faculty
 337 member to discuss the request. Within fifteen (15) days of receipt of the written request, the Vice
 338 President for Faculty Development and Advancement shall reach a decision and report it to the
 339 faculty member.

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

Jennifer Proffitt
 Co-Chief Negotiator
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340 ~~(d) An appeal of the decision of the Vice President for Faculty Development and Advancement~~
 341 ~~may be made to the Provost and Vice President for Academic Affairs. Such a request for review~~
 342 ~~shall be made in writing within fifteen (15) days after the Vice President for Faculty Development~~
 343 ~~and Advancement' decision. Within fifteen (15) days of the receipt of the written request, the~~
 344 ~~Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty~~
 345 ~~member.~~

346 10.9 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral
 347 English language skills unless proved deficient in accordance with the appropriate procedures and
 348 examinations for testing such deficiency.

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

357 (b) Faculty members who score at a specified level on an examination established herein for
 358 testing oral English language skills ("45" on the Test of Spoken English), may continue to be
 359 involved in classroom instruction up to one (1) semester while enrolled in appropriate English
 360 language instruction, as described in paragraph (d) below, provided the appropriate administrator
 361 determines that the quality of instruction will not suffer. Only such faculty members who
 362 demonstrate, on the basis of examinations established by statute and rule, that they are no longer
 363 deficient in oral English language skills may be involved in classroom instruction beyond one (1)
 364 semester.

365 (c) Faculty members who score below a minimum score on an examination established herein
 366 for determining proficiency in oral English (currently "45" on the Test of Spoken English) shall
 367 be assigned appropriate non-classroom duties for the period of oral English language instruction
 368 provided by the Board under paragraph (d) below, unless during the period of instruction the
 369 faculty member is found, on the basis of an examination specified above, to be no longer deficient
 370 in oral English language skills. In that instance, the faculty member will again be eligible for
 371 assignment to classroom instructional duties and shall not be disadvantaged by the fact of having
 372 been determined to be deficient in oral English language skills.

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

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

Jennifer Proffitt
 Co-Chief Negotiator
 UFF – FSU Chapter

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

385 10.10 Post Tenure Review

387 Selection of Faculty Members for -Post-Tenure Review

389 (1) All tenured faculty members will receive a ~~sustained performance evaluation~~ ~~Post-Tenure~~
 390 ~~Review~~ every five years following the effective date of their tenure and, - for those hired with tenure
 391 on appointment, five years after their date of hire. Tenured faculty at the rank of Full Professor
 392 will be reviewed every five years from the effective date of their promotion.

394 (2) In addition to inclusion of tenured faculty in their 5th year following the award of tenure
 395 or their promotion to Full Professor, each Spring Semester in 2025, 2026, 2027 and 2028
 396 approximately 250% of the tenured faculty of the University who were tenured prior to
 397 2019 and who have not yet been subject to Post-Tenure Review will be randomly selected
 398 from the pool of all remaining eligible faculty members to reach 2550% subject to college
 399 proportionality.

400 (3) Beginning in Spring Semester 2029, each tenured faculty member will be subject to Post-
 401 Tenure Review in the fifth year following their tenure award, last promotion, hire date (if
 402 hired with tenure) or last ~~Post-Tenure Review.~~

404 (a) Postponement of Post-Tenure Review

405 (1) Reviews may be postponed, upon approval by the provost or designee, for extenuating
 406 circumstances, including but not limited to being on approved extended leave (e.g., FMLA,
 407 parental leave, or leave of absence), being on a sabbatical, or having served in an
 408 Administrative Role during the Review Period).

409 (2) To request a year-long postponement, faculty members must submit a Postponement
 410 Request Form by the specified deadline. All requests shall be reviewed by the Provost or
 411 designee. The same standards for granting postponement requests shall apply to all faculty
 412 members.

413 (c) Methods for Post-Tenure Reviews

414 (1) Faculty Members shall prepare and submit the following materials to the department
 415 chair/school director (or to the dean, for colleges without departments or schools) using use
 416 the university's report form that includes, for the 5-year review period:

417 a. Curriculum Vita

418 b. Assignments of Responsibility

419 c. Student evaluations of teaching along with other evidence of teaching excellence

420 Renisha Gibbs
 421 Co-Chief Negotiator
 422 FSU - BOT

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

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d. Additional information highlighting the faculty member’s accomplishments

(2) Department chairs/school directors shall prepare and submit to deans a report for each faculty member, including the following:

- a. Annual Evaluations for the Review Period.
- b. Any substantiated findings of any investigation of noncompliance with university policies, or applicable laws or regulations within the scope of their university employment during the review period and that resulted in disciplinary action due to misconduct or incompetence. This information will be provided by the Office of Faculty Development and Advancement.
- c. A letter assessing their performance for the Review Period that includes input from a faculty committee.
- d. Faculty members may review their Materials, including additions by their chair/director and shall have up to five days to provide a response.

(3) Deans shall submit to the provost a report for each faculty member under review that includes the following information:

- a. A letter assessing the performance of each faculty member (which may include input from a college committee, if requested by the dean).
- b. A rating of each faculty member using the university’s Performance Rating Scale for Post-Tenure Review.
- c. Faculty members may review their Materials, including additions by their dean, and shall have up to five days to provide a response.

(4) The provost shall review supplemented Materials received from deans and assign to each faculty member a rating using the Performance Rating Scale for Post-Tenure Review (in consultation with the president, and if requested by the provost, with input from a University advisory committee). The provost shall notify all faculty members under review of their ratings and outcomes.

(d) Performance Rating Scale for Post-Tenure Review:

- Exceeds Expectations: a clear and significant level of accomplishment beyond the average performance of faculty across the faculty member’s discipline and unit. Evidence of awards, honors, and other criteria identified by academic units as meritorious performance is expected for assigning this rating.
- Meets Expectations: expected high level of performance in assigned responsibilities, as compared to faculty across the faculty member’s discipline and unit.
- Does Not Meet Expectations: performance falls below the normal range of annual variation in performance compared to faculty across the faculty member’s discipline and unit but is capable of improvement.
- Unsatisfactory: failure to meet expectations that reflect disregard or failure to follow previous advice or other efforts to provide correction or assistance, that results performance that involves incompetence or misconduct, as defined by applicable university regulation

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468 and policies. Evidence of prior feedback of performance problems with an opportunity to
 469 remediate performance problems is expected for assigning this rating.

470
 471 (e) Outcomes from Post-Tenure Review

472 (1) Faculty members with ratings of “Exceeds Expectations” or “Meets Expectations” will receive
 473 a monetary reward that may consist of a salary increase, one-time bonus, or both.

474
 475 (2) Faculty members who receive a rating of “Does Not Meet Expectations” shall be placed on a
 476 Performance Improvement Plan (PIP). The faculty member shall have a period of 12 months to
 477 achieve the requirements of the PIP. If any faculty member placed on a PIP does not meet the
 478 requirements of the PIP by the stated deadline, the provost shall propose termination of
 479 employment of such faculty member, pursuant to applicable University processes.

480
 481 (3) For any faculty member who receives a rating of “Unsatisfactory,” the provost shall propose
 482 termination of such faculty member, pursuant to applicable University processes.

483
 484
 485 10.1~~1010~~ Employee Assistance Programs. Neither the fact of a faculty member’s
 486 participation in an employee assistance program nor information generated by participation in the
 487 program shall be used as evidence of a performance deficiency within the evaluation process
 488 described in this Article, except for information relating to a faculty member’s failure to participate
 489 in an employee assistance program consistent with the terms to which the faculty member and the
 490 Board have agreed.
 491

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