

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

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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 (9) Faculty members in Departments/Unit — Legacy bylaws that used a five point scale for
52 criteria for evaluations prior to Fall 2024 shall combine the top two rating categories (“Exceeds
53 FSU’s High Expectations” and “Substantially Exceeds FSU’s High Expectations”) to conform to
54 the four point scale in this article review the criteria and update their bylaws or develop written
55 criteria, based on a four-point scale. Prior to adoption of revised bylaws that use a four-point scale,
56 the criteria for “Exceeds FSU’s High Expectations” and the criteria for “Substantially Exceeds
57 FSU’s High Expectations” shall apply to the category of “Exceeds Expectations.”

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

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

64 (h) Approval Process.

65 (1) Deans shall review and approve proposed criteria and then send the proposed criteria
66 to The University President or representative for review to shall review the proposed criteria and
67 procedures or revisions thereof to ensure that they comply with the provisions of this Article. The
68 President or representative shall notify the college and department/unit of his or her approval or
69 non-approval within sixty (60) days of receipt, if practicable. However, final notification shall
70 occur no later than ninety (90) days after receipt. In the case of a non-approval, the notification
71 will provide a written statement of reasons.

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

78 (i) Approved or imposed faculty evaluation criteria and procedures, and revisions thereof, and
79 any related recommendations shall be kept on file in the department/unit and college offices, in
80 the Office of Faculty Development and Advancement, and posted on the department/unit and
81 college/unit websites. Faculty members in each department/unit shall be provided a copy of that
82 department’s/unit’s current faculty evaluation criteria and procedures at the start of the spring
83 semester.

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

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

88 10.3 Annual Evaluations. Annual performance evaluations shall be based upon the assignments
 89 of responsibility, as described in Article 9, for the period under evaluation, and shall take into
 90 account the proportions, duties and nature of the assignments. The faculty member's history of
 91 annual evaluation summary forms, narratives, optional responses, and letters of progress towards
 92 promotion shall be considered in recommendations and final decisions on promotions and
 93 appointment and non-reappointment.

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

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

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

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

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

117 (4) Observation/Visitation.

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

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

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

129 i. The report must suggest corrective actions for any shortcoming that is
 130 identified.

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

132 d. A faculty member who challenges an observation report may choose a colleague to
 133 observe his or her class and submit a report. The colleague may be from the same department/unit,
 134 from a department/unit with a compatible discipline, a retired colleague, or a colleague in the
 135 discipline from another university. Such a report shall be given equal consideration with other
 136 reports of classroom visitation.

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

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

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

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

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

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

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

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

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

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

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169 (f) Methods for Annual Performance Evaluations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

208
 209 (5) The Annual Performance Evaluation shall provide for an assessment of performance
 210 for each faculty member using the following ratings:

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

212 b. ~~Meets~~ Exceeds ~~FSU's High~~ Expectations

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

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214 cd. Official Concern
215 de. Does Not Meet ~~FSU's High~~ Expectations

216 10.4 Merit Evaluations.

217 (a) The determination of meritorious performance for the distribution of funds allocated for
218 merit-based salary increases pursuant to Article 23 shall be according to each department/unit's
219 faculty evaluation criteria and procedures developed pursuant to this section, which must be
220 consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty
221 members will be reviewed for merit.

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

226 (c) Merit distribution criteria:

227 (1) Must define meritorious performance as "performance that meets or exceeds the
228 expectations for the position classification and department/unit."

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

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

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

239 10.5 Annual Evaluation Reporting Procedures

240 (a) Evaluation Summary Form. The evaluator shall annually prepare the faculty member's
241 written annual performance evaluation on the Annual Evaluation Summary Form provided in
242 Appendix "F." The completed form and its attachments comprise the annual evaluation report.

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

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

251 (3) Faculty members eligible for promotion or for tenure (except for Assistant Professors
252 in the years in which they receive their Tenure Review Report, as outlined in Section 15.3 (e)(2))
253 shall be apprised annually in writing of progress towards promotion or tenure in order to provide
254 assistance and counseling in working toward that goal. This appraisal shall be included as a
255 separate section ~~Progress toward promotion or tenure may be included in the narrative~~

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256 accompanying the annual evaluation, or as a separate narrative, as outlined in Article 10.5(a)(4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

317 10.6 Disposition of the Evaluation Summary Form and attachments.

318 (a) After the Evaluation Summary Form and attachments have been reviewed and signed by
 319 the appropriate reviewer, they shall be forwarded to the Vice President for Faculty Development
 320 and Advancement and retained in filed in the faculty member's official evaluation file. The
 321 contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the
 322 faculty member evaluated and those whose duties require access.

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

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

329 10.7 Provision for Appeal

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

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

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342 (c) If the faculty member is not satisfied with the reviewer’s decision, the faculty member may
343 request in writing a review from the ~~Provost- or designee~~ and Vice President for Academic Affairs
344 ~~(or designee) Vice President for Faculty Development and Advancement~~ within fifteen (15) days
345 after the reviewer’s decision. Within fifteen (15) days of receipt of the written request, the Provost
346 or designee ~~or designee~~ Vice President for Faculty Development and Advancement shall meet with
347 the faculty member to discuss the request. Within fifteen (15) days of receipt of the written request,
348 the Vice President for Faculty Development and Advancement shall reach a decision and report it
349 to the faculty member.

350 ~~(d) An appeal of the decision of the Vice President for Faculty Development and Advancement~~
351 ~~may be made to the Provost and Vice President for Academic Affairs. Such a request for review~~
352 ~~shall be made in writing within fifteen (15) days after the Vice President for Faculty Development~~
353 ~~and Advancement’ decision. Within fifteen (15) days of the receipt of the written request, the~~
354 ~~Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty~~
355 ~~member.~~

356 10.9 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral
357 English language skills unless proved deficient in accordance with the appropriate procedures and
358 examinations for testing such deficiency.

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

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

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

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

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

395 10.10 Post-Tenure Review

396 ~~(a) For 2024-2025, the university will proceed with Post-Tenure Review in compliance with~~
 397 ~~applicable laws and regulations, including the Board of Governors Regulation 10.003 (4)(f) and~~
 398 ~~(i).~~

399 10.10 Employee Assistance Programs. Neither the fact of a faculty member's participation in an
 400 employee assistance program nor information generated by participation in the program shall be
 401 used as evidence of a performance deficiency within the evaluation process described in this
 402 Article, except for information relating to a faculty member's failure to participate in an employee
 403 assistance program consistent with the terms to which the faculty member and the Board have
 404 agreed.

Renisha Gibbs
 Co-Chief Negotiator
 FSU - BOT

 Date

Michael Mattimore
 Co-Chief Negotiator
 FSU - BOT

 Date

Scott Hannahs
 Co-Chief Negotiator
 UFF – FSU Chapter

 Date

Jennifer Proffitt
 Co-Chief Negotiator
 UFF – FSU Chapter

 Date