

BOT-UFF POLICY 3: EMPLOYEE PERFORMANCE EVALUATION**I. Purpose**

The policy outlines the methods for evaluating employee performance, how the results of these evaluations are communicated, and how this information is used in making personnel decisions. It emphasizes the shared commitment of all parties to the University's values.

II. Policy**A. Annual Evaluations**

The purpose of the annual evaluation is to assess and communicate the nature and extent of an employee's performance of assigned duties consistent with the criteria specified below in this Policy. Except for those employees who have received notice of non-reappointment pursuant to the BOT- UFF Policy on Non-reappointment, every employee shall be evaluated on their assigned effort at least once annually. Personnel decisions shall take such annual evaluations into account.

B. Third-Year Review

Faculty on tenure-earning status shall be reviewed by their peers during their third year of employment, in accordance with review procedures developed by each department/unit and approved by the Provost. For faculty hired with one (1) or two (2) years of tenure credit, this review should take place in the second year of employment. For faculty hired with three (3) or more years of tenure credit, the third-year review will not be conducted.

C. Tenure & Promotion

Faculty undergoing tenure and/or promotion review shall be reviewed according to the Office of the Provost's Tenure and Promotion manual, which is a living document and is not subject to bargaining.

D. Post-Tenure Review

Tenured Faculty are required to undergo post-tenure review as outlined in the Board of Governors Regulation 10.003 and FIU Regulation 2508 Post-Tenure Review.

1. Should any of these regulations or statutes be found to be invalid or unenforceable by the final decision of a tribunal of competent jurisdiction or are rendered invalid by reason of subsequently enacted legislation or regulation, the University agrees to return to the Sustained Performance Evaluation procedures described in the 2021-2024 Collective Bargaining Agreement.

III. Procedures

A. General

1. Sources and Methods of Evaluation

In preparing a faculty's evaluation, the person(s) responsible for evaluating the employee may consider, where appropriate, information from the following sources:

- a) The employee;
- b) The employee has the responsibility to submit all relevant information on their assigned effort according to procedures developed through P1.3.b of this Policy.
- c) Peers;
- d) Students;
- e) Immediate supervisor(s);
- f) Other University officials who have responsibility for supervision of the employee;

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76 g) Individuals to whom the employee may be responsible during a
77 service or administrative assignment.
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79 **2. Observation, Visitation, and Access to Classes and Course Materials**
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81 **a) Supervisory Observation of Synchronous Classes**
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83 The employee, if assigned instructional effort, shall be notified at
84 least two (2) weeks in advance of the date, time, and place of any
85 direct synchronous instructional observation or visitation made
86 in connection with the employee's evaluation. If the employee
87 determines that this date is not appropriate because of the
88 scheduled class activities, the employee shall suggest a more
89 appropriate date within two weeks of the initial proposed date.
90 Classroom visitation without prior notice, for nonevaluative
91 purposes, may be made with permission of the employee.
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93 **b) Supervisory Access to Asynchronous Course Materials**
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95 Requests to access instructional materials located on a faculty's
96 assigned course management system page(s) or other digital
97 element of an employee's assigned course for the purpose of
98 evaluation, must be approved by the faculty. Such requests and
99 the reason for the requested access must be made in writing at
100 least 2 weeks in advance. Such permission shall be granted for
101 no more than one (1) week, at which point the supervisor must
102 produce formal documentation of evidence to be used in the
103 evaluation. This documentation shall be shared with the
104 employee within the one (1) week period the supervisor has been
105 granted access for the purposes of evaluation. Similar access
106 without prior notice, for nonevaluative purposes, may be made
107 with the permission of the employee.
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109 **3. Uses of Sources and Methods of Evaluation**
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111 All information used by the person responsible for evaluating the
112 employee in the creation of an evaluation must be included in the
113 Evaluation File as articulated in BOT-UFF Policy: Evaluation File, except

for external review letters associated with tenure and/or promotion.
Only materials included in the Evaluation File can be used in creating
faculty evaluations, unless otherwise stated in this Policy.

4. Employee Assistance Programs

Neither the fact of an employee's participation in an employee assistance
program nor information generated by participation in the program,
shall be used as evidence of a performance deficiency within the
evaluation process described in this Policy, except for information
relating to the employee's failure to participate in an employee
assistance program consistent with the terms to which the employee and
the University have agreed in writing.

B. Annual Evaluation Procedures

1. Annually, the department chair or supervisor will prepare a written
evaluation of all employees.

a) The proposed written annual evaluation, including a copy of the
employee's annual assignment furnished pursuant to the BOT-
UFF Policy on Assignment of Responsibilities, shall be provided
to the employee within forty-five (45) days after the end of the
current year's annual assignment period.

b) The employee shall be offered the opportunity (during the thirty-
day (30) period following receipt of the proposed annual
evaluation) to discuss the evaluation with the evaluator.

c) The employee may request, in writing, a meeting with the
administrator at the next higher level to discuss concerns
regarding the proposed annual evaluation that were not resolved
in previous discussions with the evaluator. This request shall be
made no later than five (5) days after the meeting with the person
responsible for their evaluation.

d) The evaluation shall be submitted to the faculty activity reporting system.

e) The employee may attach a concise comment to the evaluation. The employee can obtain a copy of the completed evaluation through the faculty activity reporting system.

f) If an employee believes the evaluation to be arbitrary or unreasonable, or otherwise in conflict with the procedures outlined in this policy, and the issue has not been resolved in steps (b) and (c), the employee may proceed to address the matter through the procedure contained in the Neutral, Internal Resolution of Policy Disputes process.

2. Each University department/unit shall develop and maintain procedures by which to evaluate each employee's annual assignment according to criteria specified below in this Policy. These procedures shall include the method for distribution of any merit salary increase funds provided pursuant to the BOT-UFF Agreement. The employees of each department/unit who are eligible to vote in department/unit governance shall participate in the development of these procedures and shall recommend implementation by vote of a majority of at least a quorum of those employees.

a) The proposed procedures, or revisions thereof, shall be first reviewed at the College level by the Dean for consistency with the respective School's/College's missions and goals and then reviewed by the Provost or designee to ensure that they are consistent with the mission and goals of the University and that they comply with the BOT-UFF Agreement and all relevant University policies.

b) If the Provost or designee determines that the proposed procedures are not consistent with the missions and goals of the University, the BOT-UFF Agreement, or relevant University

185 policies, the proposal shall be referred to the department/unit for
186 revision with the reasons for non-approval expressed in writing.

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188 c) If the Provost or designee determines that procedures that have
189 previously been approved by the Provost or designee are not
190 consistent with the missions and goals of the University, the
191 BOT-UFF Agreement, or relevant University policies, the
192 procedures shall be referred to the department/unit for revision
193 with specific reasons for the need for changes expressed in
194 writing.

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196 d) Any changes made shall go into effect no earlier than the
197 beginning of the following academic year.

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199 3. Employees in each department/unit shall be provided access to that
200 department/unit's current procedures for annual evaluation and
201 distribution of merit salary increase funds. The UFF-FIU President shall
202 have access to all pertinent policies and procedures online.

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204 4. 4. Upon written request from the employee, the persons responsible for
205 supervising and evaluating an employee shall endeavor to assist the
206 employee in correcting any major performance deficiencies reflected in
207 the employee's annual evaluation.

208 209 C. Third-Year Review Procedures

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211 Each unit/college procedure for third-year review must be approved by a
212 vote of the majority of tenured and tenure-earning faculty in the
213 department/unit and by the Provost or designee.

214 215 D. Tenure and Promotion Procedures

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217 The procedures for the tenure and promotion processes are outlined in the
218 Tenure and Promotion Manual which is located on the Office of the Provost
219 website and are not subject to bargaining.
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E. Post-Tenure Review Procedures

1. The University agrees that it will not modify any of the provisions set forth in the "POST-TENURE FACULTY REVIEW PROCEDURES" policy or related documents without engaging in collective bargaining.
2. The University shall provide to the UFF president a copy of (a) the Provost's annual report to the President and Board of Trustees (b) the audit reports generated pursuant to the Post-Tenure Review Policy. Each year, there shall also be a consultation between UFF-FIU and the provost, or their designee, including a discussion of any discrepancies between overall ratings that arose between the stages of review.
3. Every spring semester, the Provost shall issue a memorandum identifying the Faculty Members that will undergo post-tenure review for the following Academic Year. The Provost's memorandum will describe the timeline for the submission of materials by the Faculty Members. The Provost will also make the Post-Tenure Faculty Review Procedures and all other applicable documents publicly available to faculty on the Provost's website.
4. Each year of the post-tenure review and for tenured Faculty Members who achieve a performance rating of "meets expectations" or "exceeds expectations," as defined in BOG Regulation 10.003, shall receive the following one-time bonus:
 - a) Faculty receiving the rating of "meets expectations" shall receive a one-time bonus of \$2,000.
 - b) Faculty receiving the rating of "exceeds expectations" shall receive a one-time bonus of \$5,000.
5. The post-tenure review shall not consider or otherwise discriminate based on the Faculty Members' political or ideological viewpoints.

IV. Criteria**A. Annual Evaluation Criteria**

1. Each University department/unit shall develop and maintain criteria by which to evaluate each employee's annual assignment according to the process specified below in this Policy. These criteria shall detail expectations of performance in teaching, research, service, and administrative effort germane to the discipline(s)/field(s) housed within the department/unit.

a) The proposed criteria, or revisions of existing criteria, shall be first reviewed at the College level by the Dean for consistency with School/College missions and goals and then reviewed by the Provost or designee to ensure that they are consistent with the mission and goals of the University and that they comply with the BOT-UFF Agreement and all relevant University policies.

b) If the Provost or designee determines that the proposed or existent criteria are not consistent with the missions and goals of the University, the BOT-UFF Agreement, or relevant University policies, the proposal shall be referred to the department/unit for revision with specific reason(s) for non-approval expressed in writing.

c) If the Provost or designee determines that criteria that have previously been approved by the Provost or designee are not consistent with the missions and goals of the University, the BOT-UFF Agreement, or relevant University policies, the procedures shall be referred to the department/unit for revision with specific reason(s) for the need for change(s) expressed in writing.

d) Any new criteria shall become effective no earlier than the beginning of the following academic year after being fully approved.

2. Employees in each department/unit shall be provided access to that department/unit's current criteria for annual evaluation. The UFF-FIU President shall have access to all pertinent policies and procedures online.

B. Third-Year Review Criteria

The third-year review will take into consideration the faculty's assignment and annual evaluations, and any other information that the department/unit faculty deem appropriate to be considered and have specified in department/unit procedures.

C. Tenure and Promotion Criteria

Requirements for appointment to and promotion within all tracks (tenure, teaching, research, clinical and professional practice) will be determined by the individual colleges/units and developed per appropriate Board of Trustee (BOT) rules, the BOT-UFF Collective Bargaining Agreement, appropriate policies and the University's Tenure and Promotion Manual.

D. Post-Tenure Review Criteria

Criteria related to post-tenure review shall be made in accordance with POST-TENURE FACULTY REVIEW PROCEDURES policy.