

**FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES**



**NOTICE OF PROPOSED NEW REGULATION**

**DATE:** May 27, 2009

**REGULATION CHAPTER NO.:** Chapter 10

**REGULATION CHAPTER TITLE:** Personnel

**REGULATION TITLE AND NUMBER:** Faculty, Administrative and Professional and University Support Personnel System Employees (10.119)

**SUMMARY OF REGULATION:** This amended Regulation includes the requirement for the annual evaluation of the performance for Executive Service employees by the President; updates the regulation to comply with the requirements of Florida Statutes by providing for limited access to employee evaluations dated prior to July 1, 1995.

**AUTHORITY FOR REGULATION:** Article IX, Florida Constitution; Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Resolution Adopted January 7, 2003; Sections 1012.91, 447.203(2), Florida Statutes.

**UNIVERSITY OFFICIAL INITIATING THIS REGULATION:** Ms. Teresa Hardee, Vice President for Administrative and Financial Services.

**PROCEDURE FOR COMMENTS:** Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Nellie Woodruff, Assistant Vice President for Human Resources, 211 Foote-Hilyer Administration Center, Tallahassee, Florida 32307-3100, (850) 599-3611 (phone), (850) 599-2080(fax), [nellie.woodruff@famuedu](mailto:nellie.woodruff@famuedu).

**FULL TEXT OF THE PROPOSED REGULATION:** The full text of this amended regulation follows:

**Regulations of  
Florida A&M University**



**10.119 Evaluations for Faculty, Administrative and Professional including the Executive Service, and University Support Personnel System Employees Evaluations.**

- (1) The provisions of this regulation are supplemented by the Collective Bargaining Agreements for Faculty and University Support Personnel System (USPS) employees.
- (2) Faculty Employee Evaluation.
  - (a) The purpose of the evaluation is to assess and communicate the nature and extent of an employee's performance of assigned duties as it relates to teaching effectiveness, contribution to the discovery of new knowledge, the development of new educational techniques, service, and other forms of creative activity.
  - (b) Application of the criteria for evaluating faculty employees shall not violate the faculty employee's academic freedom or constitutional rights, nor shall a faculty employee be punished for exercising such freedom or rights, either in the performance of University duties or duties outside the University. At the same time, a faculty employee may reasonably be expected to show, both in performance of University duties and duties outside the University, an awareness that membership in the academic profession carries with it special responsibilities.
  - (c) The performance of employees, other than those employees who have received notice of nonreappointment or those employees who are not entitled to receive notice of nonreappointment, shall be evaluated at least once annually.

(d) The criteria and procedures set forth in this regulation pertain to the annual and other evaluations of faculty. In cases where dishonesty, incompetence, neglect of duty, or irresponsibility of a bargaining unit faculty member is charged, different proceedings should be undertaken pursuant to the BOT/UFF Collective Bargaining Agreement. In cases of misconduct or incompetence of an out-of-unit faculty member, different proceedings should be undertaken pursuant to applicable University regulations.

(e) The performance evaluation shall be based upon assigned duties and shall consider the nature of the assignments.

(f) In evaluating teaching, the evaluation of its effectiveness shall be related to approved written objectives of each course which shall be given to each class at the beginning of the academic term.

(g) Faculty employees may be evaluated by other University officials. In this regard, a faculty employee may be evaluated for duties performed under the supervision of academic vice presidents, deans, directors, chairpersons, and/or any other University official who may supervise the faculty employee's activities. If appropriate, a faculty employee may be evaluated by public school officials for service to public schools or school districts.

(h) Utilization of Evaluation.

1. The chairperson of each department or other administrative unit shall collect the evaluation data for each faculty member in the department, which data shall be placed in the faculty member's personnel file.

2. Existing evaluations and the data in the faculty member's personnel file upon which evaluations are based shall be considered in recommendations and final decisions on tenure, promotion, salary, and retention.

3. The contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the affected faculty employee, and to those whose duties require access to the file in accordance with the University's evaluation procedures or by the President or President's designee in the discharge of official responsibilities or upon order of a court of competent jurisdiction. After July 1,

1995, records containing information reflecting academic evaluations of employee performance shall be open to inspection only by the employee and by University officials responsible for supervision of the employee.

- (3) Administrative and Professional including the Executive Service Employee Evaluation.
- (a) The purpose of the evaluation shall be to aid the Administrative and Professional (A & P), including the Executive Service, employee in improving his/her performance in assigned duties. ~~Employees appointed to Executive Service positions are not subject to performance evaluation procedures governing A & P employees.~~ The A & P employee may be evaluated for a specific period of time but the employee shall be evaluated at least once annually. The A & P employee should have completed a minimum of 6 months of A & P service to be eligible to receive an evaluation. The evaluation shall be considered in making personnel decisions relating to salary, retention and assignment or promotion to other responsibilities.
- (b) The A & P employee shall be evaluated only by the individual or individuals to whom the A & P employee reports. Employees appointed to Executive Service shall be evaluated annually by the President.
- (c) The contents of the evaluation file shall be confidential and shall not be disclosed except to the affected employee and those whose duties require access to the file in accordance with the University's evaluation procedures or by the President or President's designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.
- (d) Absence of an Evaluation.  
If an employee is not evaluated by his or her supervisor, the employee's rating shall be considered to be satisfactory or the same rating that he or she received during the last evaluation period, whichever is higher. Such rating shall be an evaluation and shall be documented in the employee's file and a copy of the documentation shall be furnished to the employee and the rater.
- (e) Evaluations will not be required for those employees who have been given notice of nonrenewal or nonreappointment of their employment contract pursuant to the provisions of Regulation 10.106.

(f) For A & P employees who are members of the general faculty bargaining unit, the evaluation process must comply with the collective bargaining agreement between the Board of Trustees and the United Faculty of Florida.

(4) University Support Personnel System Employee Evaluation.

(a) The employee performance evaluation program shall provide for overall evaluation of an employee's performance for a specific period of time.

(b) The evaluation shall be based on measurable, observable, or verifiable performance standards which the employee is expected to achieve or the objectives which the employee is expected to accomplish. A performance standard describes fully acceptable or unacceptable performance.

(c) Employees shall be evaluated at least annually.

(d) Performance Evaluation Ratings:

An employee's performance shall be rated at one of the following rating levels:

1. Below Performance Standards;
2. Achieves Performance Standards;
3. Exceeds Performance Standards; or
4. Greatly Exceeds Performance Standards.

(e) Probationary Evaluations.

1. A probationary evaluation is required for any probationary period and shall be completed within 30 days prior to the end of the probationary period for the designated class or 30 days prior to the end of any probationary period extension.

2. An employee shall serve the probationary period for the designated class with a performance rating of at least Achieves Performance Standards before attaining permanent status in the class.

3. A probationary period may be extended up to six months when one of the following circumstances occur:

- a. The employee is rated Below Performance Standards;
- b. The supervisor decides that additional time is needed for appropriate training or on the job experience;

- c. The supervisor and the employee agree to extend the probationary period;
  - d. The employee or supervisor is granted an approved leave of absence (other than military leave) during the probationary period; or
  - e. An employee in probationary status is reassigned to a different position in the same class and requests in writing that the probationary period be extended for a period not to exceed six months.
4. An employee in probationary status shall be removed from the class if the performance is not rated at least Achieves Performance Standards within the probationary period or the extended probationary period.
5. An employee in probationary status, who is on military leave at the end of the probationary period, shall be considered to have a rating of Achieves Performance Standards. The employee shall be required to complete the remainder of the probationary period if the employee returns from military service prior to the expiration of the probationary period.
- (f) Annual Evaluations - An annual evaluation shall be completed for each employee having permanent status in the current class.
- 1. A permanent status employee shall receive an annual evaluation completed each year within 30 days following the date the employee was appointed to his or her current class unless the period being evaluated is extended for the length of an approved leave of absence.
  - 2. An annual evaluation period of an employee who returns from military leave shall include only the time not on military leave. The employee's performance level while on military leave shall be considered to be at the same rating level as the employee's preceding rating.
- (g) Special Evaluations.
- 1. A special evaluation for a permanent status employee may be conducted when the employee's performance has changed from the rating level as reflected

on the most recent probationary, annual or special evaluation.

2. A special evaluation shall not cover more than a 60-day period immediately preceding the special evaluation unless the evaluation period is extended.

3. When an employee's annual evaluation is at the Below Performance Standards level, the evaluation shall become a special evaluation.

a. When an employee who has attained permanent status in the class receives a special evaluation of Below Performance Standards, and is retained in the class, the rater, shall communicate in writing the necessary improvements to address the identified deficiencies. Under this provision, the next evaluation period(s) shall be no less than 30 days and shall be limited to an additional 120 days.

b. The President or President's designee may remove the employee from the class at anytime if adequate improvement is not made in the employee's performance during the subsequent evaluation period(s) following the initial Below Performance Standards rating.

c. An employee shall usually not remain at the Below Performance Standards level for more than 120 days, in accordance with the provisions of sub-subparagraph (4)(g)3.a. above. In circumstances which result in an authorized leave of absence of the employee or the rater (other than military leave for the employee) and extensions of probationary periods as provided in paragraph (4)(e) of this regulation, the rater may request an extension of the evaluation period up to the length of the period of an approved leave of absence. If an employee's performance rating level has not improved to at least the Achieves Performance Standards rating level within the designated improvement period(s), the President or President's designee shall remove the employee from the class. Such action must be completed within 45 days of being initiated.

(h) Absence of an Evaluation.

1. For those employees who have not yet received an evaluation in the

class, the employee's rating shall be considered to be at the Achieves Performance Standards level.

2. For those employees with a previous evaluation in the class, the employee's performance shall be considered to be at the same rating level as the preceding evaluation.

3. When a rater does not extend a required performance evaluation period for the authorized leave of the rater or employee, as provided in subparagraph (4)(f)1 of this regulation, and a rater desires to replace a performance evaluation rating received through the provisions of subparagraph (4)(f)2 above, he or she may complete an evaluation covering the required evaluation period within 30 days following the original due date of the evaluation.

4. An employee may make a written request for a performance evaluation to replace a rating received through the provisions of subparagraph (4)(f)2 within 30 days following the original due date of the evaluation. If an employee makes such a request, the rater shall complete the evaluation within thirty (30) days of receipt of the request.

(i) Evaluation information prior to July 1, 1995 contained in the personnel file shall be confidential and shall not be disclosed except to the affected employee and those individuals whose duties require access to the file in accordance with applicable law, the University's evaluation procedures or by the President or President's designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.

*Specific Authority Board of Governors Regulation Development Procedure Dated July 21, 2005. ~~1001.74 FS.~~ Law Implemented Article IX, Florida Constitution; Board of Governors Resolution Adopted January 7, 2003 ~~1001.74, 1001.75, 1012.91, 1012.94, 447.203(2) FS.,~~ History–New 6-27-96, Amended 6-3-01; \_\_\_\_\_-09.*