

(f) Non-reappointments shall not be made in an arbitrary or capricious manner.

6.2 Appointment and Reappointment Terms.

(a) Terms for appointments and reappointments are as follows:

(1) Assistant Librarian (I and II) and Wellness Counselor (I and II)

~~a. Terms will be determined, and negotiated with the UFF, prior to the date of hire.~~

a. Initial Term: two (2) years

b. Reappointment term: two (2) years. The University will provide the Assistant Librarian or Wellness Counselor with its reappointment decision at least one (1) year prior to the end of their current contract.

c. Reappointment decisions must be considered by the supervisor, the Provost, and the Vice Provost of Student Affairs. Said consideration will be based on the Assistant Librarian’s or Wellness Counselor’s performance reviews over the last three (3) years or, if fewer than three (3) years’ performance reviews exist, as many performance reviews as do exist as well as their application and supporting materials. If other materials are used as part of the review, the candidate will be informed of this information, and provided a minimum of five (5) days to respond to the information.

d. Upon request, the Provost will provide a written justification for their decision.

(2) Instructor and Senior Instructor

a. Initial term: two (2) years

b. Reappointment term: two (2) years. The University will provide instructors with its reappointment decision at least one (1) year prior to the end of the instructor’s current contract.

c. Probationary reappointment:

1. This process will be used for the first and second reappointment decisions (at the end of years one (1) and two (2) of the instructor’s employment).

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2. Reappointment decisions must be considered by the supervisor, the Provost, and the Vice Provost of Student Affairs. Said consideration will be based on the Instructor’s performance reviews since their employment began at Florida Poly as well as their application and supporting materials. If other materials are used as part of the review, the candidate will be informed of this information, and provided a minimum of five (5) days to respond to the information.

1.3. Upon request, the Provost will provide a written justification for his/her decision.

d. Regular reappointment

1. This process will be used for all reappointment decisions after the second decision (at the end of year three (3) as well as all subsequent years).

2. An instructor or senior instructor will be reappointed unless they have received at least one “Deficient” or two consecutive “Needs Improvement” overall annual evaluation results (or equivalent) in the previous four (4) years, has completed a Performance Improvement Plan (see 8.10) and received a “Deficient” or “Needs Improvement” (or equivalent) in their next annual evaluation after the completion of the Performance Improvement Plan.

2.3. If an instructor or senior instructor is not automatically reappointed (see 6.2 (c)), the Reappointment decisions will be made by the Provost after consultation with the Department Chair and, if present, Division Director. ~~must be considered by the Division Director (or Department Chair if no director is present), the Provost, and the Vice Provost of Academic Affairs. Consideration~~ The Provost’s decision will be based on:

(I) A personal statement written by the instructor;

~~(II) The instructor’s performance reviews since their last reappointment or, if they have not yet been~~

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~~reappointed, over the prior four (4) years since their initial appointment;~~

~~(H)(III)~~ F faculty dossiers for past ~~four~~ three (43) years, and;

~~(IV)~~ Other supporting materials. If supporting materials are used as part of the review, the Candidate will be informed of this information, and provided a minimum of five (5) days to respond to the information.

~~If supporting materials are used as part of the review, the Candidate will be informed of this information, and provided a minimum of five (5) days to respond to the information.~~

3.4. Upon request, the Provost will provide a written justification for ~~his/her~~ their decision.

(3) Assistant Professor:

a. Initial term: three (3) years.

1. Assistant Professor~~Preliminary~~ Review (~~see 6.8(a)(1)~~) for reappointment begins at the start of the first spring semester following the completion of a minimum five (5) full, contiguous semesters at the current appointed rank.

2. Individuals whose employment did not start at the beginning of the fall semester will have their Preliminary Review delayed to the first spring semester following the completion of a minimum of five (5) full, contiguous semesters following their initial appointment.

b. Reappointment term: three (3) years.

1. May only be reappointed once and must apply, consistent with the start of the process in the fall semester, for promotion no later than at the completion of six (6) academic years (fall to spring).

2. However, if hired prior to June 1, 2017, such faculty must

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1 apply for promotion to Associate Professor no later than the
2 last year of their ~~three-year~~ reappointment term.

3 c. Promotion term: Faculty members promoted from Assistant to
4 Associate Professor shall receive an appointment term of six (6)
5 years

6 1. Leave extension

7 (I) The University may, at its sole discretion, permit a
8 faculty member to delay promotion review by
9 granting a maximum one (1) year extension at this
10 rank due to a valid request for FMLA or other
11 appropriate leave.

12 (II) Additional extensions beyond the extra year are not
13 permitted.

14 2. Pandemic extension

15 ~~(II)~~(I) Assistant professors employed at Florida Poly prior
16 to January 15, 2021 and who have not already been
17 denied reappointment will receive a one (1) year
18 extension on their current contract and be allowed to
19 delay their promotion application by one (1) year.

20 (4) Associate and Full Professors

21 a. Initial term: three (3) years

22 b. Reappointment terms:

23 1. At the end of the initial three (3) year appointment, the
24 faculty member will be issued a new three (3) year contract.

25 2. At the end of each year during all contracts subsequent to the
26 initial three (3) year contract, the faculty member will
27 receive a new three (3) year contract unless they have
28 received an evaluation rating for the previous completed
29 review period of “dDeficient” or equivalent, or have
30 received an evaluation rate of “hNeeds iImprovement”
31 evaluations over the previous two consecutive review
32 periods.

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- 3. A faculty member who fails to receive a new three (3) year contract will receive a new contract consisting of the remaining length on their contract plus (1) year if they receive an evaluation of “mMeets eExpectation,” or equivalent, or better for a subsequent review period.
- 4. Subsequent to failing to receive a new three (3) year contract, the faculty member will receive a new contract of three (3) years if they receive an evaluation rating of “mMeetings eExpectation,” or equivalent or better for two consecutive review periods.
- 5. Subsequent to returning to a full three (3) year contract, the faculty member will be subject to the process in 6.2 (a) (4) b. 2.-4.2.

~~(5) Associate Professor~~

~~a. Initial term: three (3) years unless the University determines that an initial term of four (4) or five (5) years is appropriate or warranted. The reason for a longer initial term shall be provided to the UFF upon request.~~

~~b. Reappointment terms:~~

~~1. Three (3) years based upon a Preliminary Review (see Section 6.8(a)(1)).~~

~~(I) Preliminary review for reappointment is only available to Associate Professors as their first review after their initial appointment.~~

~~(II) Preliminary Review for reappointment begins at the start of the first spring semester following the completion of a minimum five (5) full, contiguous semesters at the current appointed rank.~~

~~(III) Individuals whose employment did not start at the beginning of the fall semester will have their Preliminary Review delayed to the first spring semester following the completion of five (5) full, contiguous semesters following their initial appointment.~~

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~~2. — One (1) year based upon a Pre-reappointment Review that leads to a Full Review (see Section 6.8(a)(3)).~~

~~3. — Six (6) years based upon a Pre-reappointment or Full Review (see Section 6.8(a)(3) and (4)).~~

~~(1) — The full review may be used, at the Candidate's election, to also request promotion to the rank of Professor.~~

~~e. — Promotion term: Individuals promoted from Associate Professor to Professor shall receive an appointment term of six (6) years.~~

~~(6) — Full Professor~~

~~a. — Initial term: six (6) years, unless the University determines that it is in its best interest to offer an initial contract with a preliminary duration.~~

~~b. — Reappointment term:~~

~~1. — One (1) year based upon a Pre-reappointment Review that leads to a Full Review (see Section 6.8(a)(3)).~~

~~2. — Six (6) years based upon a Pre-reappointment or Full Review (see Sections 6.8(a)(3) and (4)).~~

~~e. — Promotion term: Faculty members promoted from Associate Professor to Full Professor shall receive an appointment term of six (6) years~~

(b) Employment Contract.

(1) All appointments will be made on the University employment contract and signed by the President or designee, and the employee.

(2) No appointment or assignment will create any right, interest, or expectancy in any other appointment or assignment beyond its specific terms, except as provided in this Agreement.

a. No special commitment or conditions offered to new hires shall bind the University indefinitely.

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b. A special commitment or condition will be observed unless it is no longer financially or logistically feasible or circumstances have changed enough that it is no longer in the legitimate interests of the University.

b.c. If the university decides not to observe a special commitment or condition, the university will inform the employee within ten (10) days of that decision. Upon the employee’s request, the university will provide a written justification of its decision not to observe the special commitment or condition.

(3) Appointments expire on the date set forth in the faculty member’s employment contract. No further notice of cessation of employment is required, unless otherwise provided in this Agreement.

(4) If the University intends to offer a faculty member reappointment, the University will inform the faculty member by August 15 following the academic year in which the reappointment review was conducted.

(5) Resignation.

a. An employee who wishes to resign has the professional obligation, when possible, to provide the University with sufficient notice to avoid scheduling and classroom disruptions or, where the employee does not have an instructional assignment, a minimum of ~~two~~four (24) weeks notice.

b. Upon resignation, all consideration for reappointment and promotion will cease.

6.3 Non-Reappointment.

(a) ~~Faculty members~~Employees ~~on multi-year appointments~~ cannot be terminated during the contract period except for just cause, layoff, or termination of the funding source in the case of soft money appointments.

(b) Reappointment or Promotion Review. If an ~~employee-faculty member~~ has participated in a reappointment or promotion review for promotion to Associate Professor and is not provided with an offer of reappointment or promotion to Associate Professor,

(1) ~~An employee-faculty~~ member with a remaining contract term of more than one (1) year will be provided written notice of non-reappointment, advising

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1 that the existing contract will not be renewed with no right to continued
2 employment, or;

3 (2) An employee~~a faculty member~~ with a remaining contract term of less than
4 one (1) year will be provided a notice of non-reappointment that the existing
5 contract will not be renewed, and the University shall offer a terminal
6 contract which supersedes the existing contract and expires one (1) year
7 from the date of ~~the written notice, with no right to continued~~
8 ~~employment.~~the expiration date of the existing contract.

9 (c) If an employee ~~professor~~ chooses not to participate in a reappointment review, or
10 in the case of an Assistant Professor, chooses not to participate in the promotion
11 process, the ~~professor~~ employee will be administratively non-reappointed and their
12 ~~professor's~~ employment shall end on the last date of the professor's existing
13 contract.

14 (d) Non-reappointed employees are not eligible to receive any salary increases or
15 bonuses during the notice period.

16 (e) Non-reappointed employees are not eligible to serve on departmental or university
17 committees without prior approval of the Provost.

18 ~~(f) — Payout option.~~

19 ~~(1) — At the time of or following issuance of a notice of non-reappointment to any~~
20 ~~employee, the University may elect in its discretion to pay the employee for~~
21 ~~all or a portion of the remaining term of the contract, as may be allowed~~
22 ~~under Florida law.~~

23 ~~(2) — If the University elects this option, it will pay the employee an amount, less~~
24 ~~withholding, equal to the salary for that portion of the remaining term of the~~
25 ~~contract which the University is paying out, and the employee's~~
26 ~~employment will terminate immediately.~~

27 ~~6.4 — Faculty Reappointment.~~

28 ~~(a) — Preliminary Review (See Section 6.8(a)(1))~~

29 ~~(1) — Assistant Professors shall receive a Preliminary Review during the spring~~
30 ~~semester of the final year of their initial appointment.~~

31 ~~(b) — Full Review (See Section 6.8(a)(2))~~

32 ~~(1) — All Assistant Professors must receive a Promotion Review in order to be~~

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~~promoted to Associate Professor.~~

~~(2) — An Associate Professor seeking a promotion shall have any such promotion considered during the Promotion Review process.~~

6.56.4 Reappointment and/or Promotion Packet for Professors. The Reappointment and/or Promotion Review Packet (“Packet”), utilized in the procedure set forth in Section 6.7, shall include, at a minimum, the following:

(a) Candidate Prepared Dossier. A Candidate for reappointment or promotion must prepare a dossier for consideration, which must include: a personal statement from the Candidate and elements that show the Candidate’s demonstrated abilities and competencies in teaching, service, and research—including, but not limited to, all evaluation materials from prior four years of employment at the University.

(1) Intentional or significant misrepresentations contained in the Candidate’s dossier shall serve as cause for termination.

(2) The Provost shall develop the format and guidelines for the Candidate Prepared Dossier and send them to the Faculty Representative Council (“FRC”) for review and comment by February 15 of the spring semester in even numbered calendar years.

(3) The FRC shall review, within fourteen (14) days of receipt, the format and guidelines and shall recommend approval or changes to the Provost.

(4) Should the FRC recommend changes, the Provost shall, within ten (10) days, either accept the changes or give a written justification for not accepting the changes.

(5) The Candidate Prepared Dossier must follow the final format as finalized by the Provost and faculty are solely responsible for the content within, and production of, the dossier. However, faculty will not be penalized for minor formatting errors.

(b) Reference Letters. Reference letters are required for promotion reviews ~~and “full”~~

(1) Reference letters are confidential and will be requested using a template that instructs the external reviewer regarding the materials supplied, and any special considerations, including the University’s history, teaching expectations, and research infrastructure. This template will be developed according to and as part of the process laid out in Section 6.7.

(2) Requesting Reference Letters.

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- 1 a. A minimum of four (4) reference letters must be requested.
- 2 b. The Candidate “nominates” up to four (4) individuals to provide
- 3 reference letters.
- 4 c. The Division Director, or if the academic unit does not belong to a
- 5 division, Department Chair, in conjunction with the Department (or
- 6 Division) Evaluation Panel (“DEP”) formally requests all external
- 7 reference letters, which shall include at a minimum two (2)
- 8 individuals nominated by the Candidate, and a minimum of two (2)
- 9 letters from individuals not nominated by the Candidate.
- 10 (3) The confidential reference letters shall be included for review with
- 11 Candidate’s dossier and any supplemental materials.
- 12 a. A single negative reference may not be the sole basis for not
- 13 reappointing a candidate or for not promoting a Candidate.
- 14 b. Promotion and reappointment decisions shall not be based solely on
- 15 the reference letters received.
- 16 c. A list of the names of all individuals asked to provide a review and
- 17 whether any declined to provide this review, and reason given, if
- 18 any, will also be included in the Packet.

19 **6.66.5 Reappointment and Promotion Criteria for Instructors, Assistant Professors, and**
 20 **Associate Professors, and Full Professors.** The awarding of reappointment or promotion
 21 shall be based on written criteria, which are established by the University and developed
 22 by each department in accordance ~~to~~with this Article.

23 (a) University Criteria. No later than January 15 of every even-numbered calendar
 24 year, the University shall establish the general criteria for the granting of promotion
 25 or reappointment, and provide ~~that criteria~~those criteria to each department’s
 26 Division Director, or Chair if no Division Director is present.↵

27 (1) Promotion and reappointment criteria shall consider the performance of the
 28 work that the professor has been assigned (as reflected in FARE forms),
 29 criteria for each rank as set forth in the most recent, BOT-approved Faculty
 30 Handbook, and the faculty member’s responsibilities as a member of the
 31 University and department community.

32 (2) The University criteria shall broadly recognize and consist of the following:

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1 department-specific clarifications shall be developed and approved on a bi-annual
2 cycle according to the following procedures:

3 **(1) Department Committee Formation and Membership.**

4 **a.** The Committee shall consist of:

- 5 **1.** the Vice Provost of Academic Affairs (or designee);
- 6 **2.** Department Chair (or if Division/Department Director is
7 present, Division director, or designee) of each respective
8 department, and;
- 9 **3.** two (2) faculty members from the department, at least one
10 (1) holding the most senior rank in the department, subject
11 to the limitations below in 6.5(c)(1)c).

12 **b.** In years during which the clarifications are reviewed, department
13 faculty shall select their two (2) representative faculty members
14 during the first week of the fall semester

15 **c. Exceptions to Department Committee Membership.**

- 16 **1.** The Department Committee requires senior-ranking
17 membership, followed by overall membership. If a
18 department has three (3) or more senior-ranking faculty
19 members, a senior-ranking faculty member that will be
20 reviewed in the next academic year’s review cycle may not
21 serve on the Department Committee.
- 22 **2.** Similarly, if a department has more than ten (10) faculty
23 members, a junior-ranking faculty member that will be
24 reviewed for reappointment in the next academic year’s
25 review cycle may not serve on the departmental committee.
- 26 **3.** Faculty members that have resigned, received a notice of
27 non-reappointment or notice of layoff, ~~instructors,~~ and
28 visiting/adjunct faculty are not eligible to serve on the
29 Department Committee or participate in the Department
30 Committee selection process.

31 **(2) Development of Department-Specific Clarifications.**

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- 1 **a.** The Provost shall provide a framework for department-specific
- 2 clarifications and formally charge the Department Committee to
- 3 develop and maintain written clarifications of the University’s
- 4 reappointment and promotion criteria in terms aligned with the
- 5 department’s discipline(s) and assigned duties, and consistent with
- 6 University standards as established in the most recent BOT-
- 7 approved version of the Faculty Handbook.
- 8 **b.** Upon receiving the University criteria and clarification framework,
- 9 the Department Committee shall convene to develop clarifications
- 10 of the University criteria consistent with the department disciplines
- 11 in accordance with the procedures outlined herein.
- 12 **c.** The Department Committee shall complete its review and finalize
- 13 the department clarifications within fifteen (15) days of receiving
- 14 the University’s criteria.
- 15 **(3)** Department Faculty Vote. Within ten (10) days of the Committee finalizing
- 16 the department clarifications, the department faculty shall conduct a
- 17 confidential and anonymous vote on said clarifications.
- 18 **a.** Faculty that are in their terminal year of employment (as a result of
- 19 non-reappointment, resignation, or layoff), and visiting/adjunct
- 20 faculty; ~~and instructors~~ are not eligible to vote on the clarifications.
- 21 **b.** If a majority of a department’s ~~faculty~~ professors vote in favor of the
- 22 proposed department clarifications, the department clarifications are
- 23 forwarded to the Provost for review and approval.
- 24 **c.** If the majority of a department’s professors do not vote in favor of
- 25 the proposed department clarifications, the Department Committee,
- 26 shall reconsider the proposed clarifications prior to conducting a
- 27 second vote.
- 28 **1.** The Department Committee shall have five (5) days to
- 29 reconsider the proposed clarifications and conduct a second
- 30 vote within five (5) days of finalizing the second round of
- 31 department clarifications.
- 32 **2.** If the second vote is also unsuccessful, the proposed
- 33 clarifications shall be forwarded to the Provost for approval,
- 34 noting the lack of department faculty support.

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1 department and in the Provost’s office or upon request from the Department
2 Chair or Division Director.

3 (2) All such criteria shall also be provided to UFF upon written request.

4 **6.76.6 Promotion Categories and Eligibility Criteria.** Subject to the requirements set forth
5 herein, faculty holding the rank of Assistant Professor and Associate Professor shall be
6 eligible to apply for promotion to the next higher rank.

7 (a) Notice of Intent. Individuals that seek promotion from Associate Professor to
8 Professor or Instructor to Senior Instructor must declare their intent to seek
9 promotion in writing to the Provost and their Department Chair or Division Director
10 (if applicable), no later than August 1 before the academic year in which they will
11 seek promotion.

12 (b) Minimum Qualifications.

13 (1) Professors

14 a. Professors must serve at least five (5) academic years at their current
15 rank in order to qualify for promotional consideration to a higher
16 rank.

17 b. At least two (2) of the five (5) immediately preceding academic
18 years must be served at the University.

19 c. The University, at its discretion, may provide exceptions to these
20 minimum qualifications upon request of a professor and approval of
21 their Chair, Director (when a Director is present), and the Provost or
22 designee.

23 (2) Instructors

24 a. To qualify for promotion, an individual who is classified as an
25 instructor must fulfill the following criteria:

26 1. Continued employment;

27 2. Has not been given notice of non-reappointment or
28 termination;

29 3. Not initially hired at a rank higher than Instructor;

30 4. A minimum of 5 years of successful full-time academic
31 service (must have ratings of “meets expectations” or better

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in at least 4 of 5 most recent years of service) in rank at Florida Poly;

(I) Full-time service is defined as 1.0 FTE for 39 weeks of any academic-year contract; Some part-time service may be combined, so long as the most recent 6 semesters are full-time service, exclusive of summers.

b. Instructors are not required to seek promotion, and there is no penalty for an unsuccessful bid for promotion. An instructor may withdraw his or her bid for promotion at any time and stop the process without concern for any recourse.

~~(2)~~

(3) Assistant Librarian and Wellness Counselors

a. To qualify for promotion, an individual who is classified as an instructor must fulfill the following criteria:

- 1. Continued employment;
- 2. Has not been given notice of non-reappointment or termination;
- 3. In good standing (no disciplinary letters, etc.) for at least the last 2 years;
- 4. Employees who have worked for 3-years full years and are in their 4th-year of employment with the university and under consideration for promotion must not have received an annual review rating of less than “meets expectations” at any time; and
- 5. Employees who have worked four or more years for the University and are in their fifth or more year of employment with the University must not have received a rating of less than “meets expectations” in any of the preceding 3 annual evaluations.
- 6. Exceptions may be granted by the President.

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1 **b.** Assistant Librarians and Wellness Counselors are not required to
2 seek promotion, and there is no penalty for an unsuccessful bid for
3 promotion. Upon reaching eligibility, the Assistant Librarian or
4 Wellness Counselor should inform his or her supervisor of their
5 intent to apply for promotion. An Assistant Librarian or Wellness
6 Counselor may withdraw his or her bid for promotion at any time
7 and stop the process without concern for any recourse.

8
9 **(c)** If the University previously promoted the Candidate, the promotion assessment
10 shall be based on the Candidate’s performance since the Candidate’s last
11 promotion.

12 **(d)** If the University has not previously promoted the Candidate, the promotion
13 assessment is cumulative and must include consideration of the Candidate’s
14 achievements prior to employment at the University. However, the Candidate’s
15 promotion assessment must also establish that the Candidate has continued to
16 progress and achieve in the categories and criteria used for reappointment and/or
17 promotion while employed at the University.

18 **6.7 Promotion Procedure for Assistant Librarians and Wellness Counselors.**

19 **(a)** An Assistant Librarian or Wellness Counselor may apply for promotion at any time.

20 **(b)** To apply for promotion, an Assistant Librarian or Wellness Counselor should send
21 their supervisor a letter that contains 1) a statement of their intention to seek
22 promotion; 2) a statement of their qualifications for promotion; and 3) a summary
23 of their achievements while working at Florida Poly and a current copy of their
24 resume. They may also submit up to four (4) letters of support.

25 **(c)** Decisions on promotions are made by the candidate’s supervisor. In making their
26 decision, the supervisor should consider the following:

27 **(1)** The candidate’s letter of intent

28 **(2)** The candidate’s resume

29 **(3)** Letters of support (if any)

30 **(4)** Performance reviews from at least the last three (3) years; and

31 **(5)** Supporting materials. If supporting materials are used as part of the review,
32 the candidate will be informed of this information, and provided a minimum
33 of five (5) days to respond to the information.

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1 (d) If the candidate’s supervisor denies the application for promotion, they will provide
2 their reasons in writing.

3 (e) Appeal of a negative decision

4 (1) Within ten (10) days of the supervisor’s written justification being provided,
5 the Candidate may submit a written appeal to their supervisor’s supervisor.
6 In this appeal, the Candidate may explain the grounds for their appeal and
7 point out any errors or omissions in their supervisor’s written justification.

8 (2) Upon receipt of the Candidate’s appeal, the supervisor’s supervisor will
9 review the candidate’s application and the supervisor’s written justification.

10 (3) Within twenty (20) days of receipt of the Candidate’s appeal, the
11 supervisor’s supervisor will render a decision either granting or denying the
12 appeal on its merits.

13
14 **6.8 Reappointment and/or Promotion Procedure for Professors and Instructors.** The
15 below procedure shall be followed for all reviews related to reappointment and promotions.

16 (a) Types of Review Processes.

17 (1) Assistant Professor Review

18 a. An Assistant Professors review is primarily intended to assess an
19 Assistant Professor’s progress towards promotion and to provide an
20 opportunity to correct any deficiencies that might prevent
21 promotion.

22 b. An Assistant Professors will be reappointed unless they have
23 received at least one “Deficient” or two “Needs Improvement” (or
24 equivalent) overall annual evaluation results during their first two
25 years of employment.

26 ~~(1) Preliminary Review:~~

27 ~~a. a review that does not include external letters and is only conducted~~
28 ~~by the Department Evaluation Panel (as described below in Section~~
29 ~~6.8(c)).~~

30 ~~(2) Results of this review are provided directly to the Provost for~~
31 ~~consideration.~~Instructor Promotion Review

32 a. A review that does not include external letters.

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~~(2)(3)~~ Promotion Full Review.

a. ~~A~~ review that includes external letters ~~and is conducted by the Department Evaluation Panel (“DEP”), then the University Evaluation Committee (“UEC”), except when specified in Section 6.8.~~

~~— Except as described in Sections 6.8(d)(3)e and 6.8(d)(2)d, results of the reviews are provided directly to the Provost for consideration.~~

(b) Notice of Review Requirement

(1) Individuals that require an Assistant Professor ~~Preliminary~~ Review ~~(as specified in Section 6.4)~~, due to their appointment expiring in the coming year, will be notified of the requirement for review no later than December 10, prior to the spring semester in which their review must be completed.

~~(2)~~ — On or before August 1, before the start of the fall semester in the year when an individual must seek reappointment, the University will provide notice to professors who :

~~(3)(2)~~ must apply for promotion from Assistant to Associate Professor to maintain their appointment, or;

a. ~~— must participate in a Full Review to renew their appointment.~~

~~(4)(3)~~ Notice from the University will provide information relevant to the applicable reappointment/promotion process including instructions and deadlines.

~~(5)(4)~~ Within fifteen (15) days of receiving such notice, eligible professors will inform the University of their election to apply for promotion or proceed with reappointment.

~~(6)(5)~~ Professors shall provide the University with their Packet by the deadline set forth in the notice referenced herein.

(c) Department Evaluation Panel (“DEP”)

(1) DEP Chair.

a. The Division Director, if present, or if there is not a division, the Department Chair serves as the chair the DEP if he or she holds the appropriate faculty appointment rank.

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1 **b.** If the Division Director or Department Chair does not hold the
2 appropriate rank, the Provost will appoint a chair for the DEP.

3 **(2)** DEP Membership.

4 **a.** For reviews of Associate and Assistant Professors,

5 **1.** The DEP shall typically consist of faculty of a higher rank
6 than the Candidate within the Candidate’s division, or if no
7 division is present, within the Candidate’s department.

8 **2.** However, if there are not enough qualified faculty members
9 in a Candidate’s division, or if no division is present, within
10 the Candidate’s department, faculty members of the same
11 rank but with at least three years’ experience at that rank will
12 be eligible to serve on the committee.

13 **1.3.** In some cases, this requirement will lead to varying
14 membership on DEP committees based on the cases that are
15 being considered.

16 **b.** For Reviews of Instructors,

17 **1.** The DEP shall typically consist of Senior Instructors,
18 Associate Professors, and Professors within the Candidate’s
19 division, or if no division is present, within the Candidate’s
20 department.

21 **2.** In some cases, this requirement will lead to varying
22 membership on DEP committees based on the cases that are
23 being considered.

24 **c.** With the possible exception of the DEP chair, the DEP will have no
25 members who are outside the bargaining unit.

26 **b.d.** There must be a minimum of ~~five~~three (3) qualified (appropriately
27 ranked) individuals serving on the DEP.

28 **1.** If the number of individuals available to serve on the DEP is
29 less than ~~five~~three (3), the Provost and DEP Chair will each
30 select a faculty member of appropriate rank from another
31 unit at the University to serve on the DEP.

32 **2.** If the DEP includes no members from the candidate’s

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department, the DEP will request input from the department chair before finalizing its recommendation. This input must include a meeting of at least fifteen (15) minutes with the chair focused solely on discussing the candidate.

e.e. If the Department chair is the candidate and no member from the chair’s department is a member of the DEP, the Provost or designee shall select a member of the chair’s department to provide input to the DEP before the DEP finalizes their recommendation. This input must include a meeting of at least fifteen (15) minutes with the chair focused solely on discussing the candidate.

d.f. Individuals that are in the terminal year of their employment contract (as a result of non-reappointment, resignation, or layoff) or those who received “Needs Improvement” or “Deficient/Unsatisfactory” (or equivalent) in their most recent performance evaluation are not eligible to serve on the DEP.

e.g. A faculty member who is a Candidate for Reappointment may serve on the DEP only with the approval of the Provost and DEP Chair.

(3) DEP Report and Recommendation.

a. The University shall provide the Packet (~~see as described in~~ Section 6.4) to the DEP for review.

1. The DEP may acquire and provide supplemental materials and/or other information as appropriate.
2. If supplemental materials and/or other information is used as part of the review, the Candidate will be informed of the use of this information and provided a minimum of five (5) days, but no longer than ten (10) days, to respond to the information.

b. For Assistant Professor Reviews

1. If the faculty member was automatically reappointed (see 6.8 (a) (1) b.), the DEP will prepare a report assessing the faculty member’s progression towards promotion. This report will be provided to the faculty member.
2. Otherwise, the DEP will prepare and provide a report and

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recommendation to the Provost directly.

~~b. For Preliminary Reviews, the DEP will prepare and provide a report and recommendation to the Provost directly.~~

c. For ~~Instructor Promotion, and Promotion~~ Full Reviews, the ~~DEP~~ will prepare and provide a report and recommendation to the ~~UEC~~ Provost.

e.d. The DEP’s recommendation will be based on majority vote. The vote will be taken anonymously.

~~d.e.~~ The DEP must operate in executive session and in total confidentiality.

e.f. All DEP reports, recommendations, and work product constitute faculty evaluative information and/or limited-access records, pursuant to Florida Polytechnic University Rule 6C13-6.008.

~~(d) University Evaluation Committee (“UEC”).~~

~~(1) UEC Membership.~~

~~a. The UEC is formed from those holding Full Professor rank from a nomination pool provided by the Faculty Representative Council; however, if there are fewer than six (6) qualified individuals at the University, all such qualified individuals shall be deemed in the nomination pool.~~

~~1. Individuals that are in their terminal year of employment (as a result of non-reappointment, resignation, or layoff), or those who received “Needs Improvement” or “Unsatisfactory” in their most recent performance evaluation, are not eligible to serve on the UEC.~~

~~2. In years where an individual is up for reappointment review, he or she may not participate in the UEC.~~

~~Term duration will be staggered to have a “normal” term of three (3) years in length and with overlap in UEC membership so that committee memory/institutional knowledge for the committee is maintained.~~

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~~If fewer than three (3) individuals are eligible to staff the UEC, the UEC will be chaired by the Provost with all eligible faculty serving as members.~~

~~(2) Number of UEC Members.~~

~~a. If fewer than ten (10) individuals with the rank of Full Professor are on staff at the University, the UEC will consist of three (3) to five (5) individuals at the discretion of the University.~~

~~b. With ten (10) to twenty (20) Full Professors on staff, the UEC will consist of five (5) to seven (7) individuals at the discretion of the University.~~

~~c. With more than twenty (20) Full Professors on staff, the UEC will consist of seven (7) members. The UEC must operate in executive session and in total confidentiality.~~

~~d. If, during the review of a Full Professor, that faculty member's unit does not have a minimum of four (4) individuals with the rank of Full Professor, the UEC will be the sole reviewing committee for that faculty member.~~

~~(3) UEC Report and Recommendation.~~

~~a. If conducted, the DEP Committee Chair will provide the UEC with the Candidate's packet, the DEP report and recommendation, and any supplemental materials and Candidate responses which were used as part of the review.~~

~~1. The UEC may acquire and provide supplemental materials and/or other information as appropriate.~~

~~2. If supplemental materials and/or other information is used as part of the review, the Candidate will be informed of the use of this information and provided a minimum of five (5) days, but no longer than ten (10) days, to respond to the information.~~

~~b. The UEC will prepare a report and recommendation, and provide both the DEP (if conducted) and UEC reports and recommendations to the Provost.~~

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~~e. If the Provost chairs the UEC, the Provost will not make a recommendation, but will supply a candidate's Packet, and both the UEC and DEP reports to the President for a final decision.~~

~~d. All UEC reports, recommendations, and work product constitute faculty evaluative information and/or limited access records, pursuant to Florida Polytechnic University Rule 6C13-6.008.~~

(e)(d) Provost's Review and Recommendation.

(1) For Assistant Professor when reappointment is not automatic, Instructor Promotion, and Promotion Reviews

a. The Provost shall review all procedural and substantive matters for completeness in order to ensure that the DEP ~~and/or UEC~~ has met their responsibilities in this Article.

b. After a careful review of the reports and recommendations of the DEP ~~and UEC (if applicable)~~ and the Candidate's packet, the Provost shall make a positive or negative recommendation in writing as to the Candidate's reappointment or promotion.

1. The Provost's recommendation, if positive, is provided to the President consistent with Section 6.8(e).

2. If the Provost's recommendation is negative, the decision and written justification are provided to the Candidate. Unless overturned on appeal by the President, negative recommendations from the Provost are terminal.

3. The process for appealing a negative recommendation from the Provost is as follows:

(I) Within ten (10) days of the Provost's written justification being provided the Candidate may submit a written appeal to the Office of the President (president@floridapoly.edu). In this appeal, the Candidate may explain the grounds for their appeal and point out any errors or omissions in the DEP's report and Provost's written justification.

(II) Upon receipt of the Candidate's appeal, the President will review the Provost's negative recommendation,

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~~the UEC and~~ the DEP committee reports, and the Candidate's packet.

(III) The scope of the President's appellate review is limited to the correcting errors of judgment or process.

(IV) Within twenty (20) days of receipt of the Candidate's appeal, the President will render a decision either granting or denying the appeal on its merits.

(2) The Provost's recommendation, written justification, and/or decision as a result of the review process constitute faculty evaluative information and/or limited-access records, pursuant to Florida Polytechnic University Rule 6C13-6.008.

~~(g)(e)~~ **President's Review and Authority.** The President shall have the sole authority to grant a Candidate's reappointment or promotion and will act upon the request for reappointment or promotion provided by the Provost.

(1) The granting of reappointment or promotion ~~should~~ shall be based on the University's criteria, clarifications produced by the Candidate's unit or department, the reports and recommendations of the DEP ~~and UEC~~, any documents relied upon by the DEP ~~and UEC~~ in creating their reports and recommendations, the Candidate's packet, ~~and~~ the written recommendation of the Provost, and the Candidate's written appeal.

(2) The President will consider the items listed above, noting that the committee reports have provided a strong review of the candidate, and either:

a. grant reappointment or promotion within the terms of this contract, or;

b. deny the request for reappointment or promotion

1. If the President's final decision on reappointment and promotion is negative, the Candidate may request a written justification of the decision within ten (10) days.

2. Upon such a request, the President shall provide, within twenty (20) days, written justification to the Candidate.

~~(g)(f)~~ If a Candidate does not receive a promotion following formal consideration by full review, the Candidate may not reapply for promotion until after the completion of

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two (2) additional academic years. This clause shall not unreasonably deny a Candidate their terminal promotion consideration to Associate Professor.

~~(h)~~(g) The Candidate being considered for promotion may withdraw from consideration provided that the withdrawal is made before the UEC begins its consideration of the Candidate. Such withdrawal shall be without prejudice and will not render the Candidate ineligible for the next promotional cycle.

~~(h)~~(h) Promotion Date.

(1) Promotions for professors that are granted shall be effective on August 15 following the decision date.

(2) An individual may use their new title effective upon written notification of their promotion.

6.9 Grievability.

(a) The University’s decision to not offer reappointment or promotion to an employee shall not be considered a disciplinary action.

(b) The decision to not offer reappointment or promotion is grievable according to Article 11 - Grievance and Arbitration Procedure, as an employee may contest the decision because of an alleged violation of a specific term of the Agreement or because of an alleged violation of the employee’s constitutional rights.

~~(b)~~(c) For the purposes of a grievance about a reappointment or promotion decision, the DEP’s report and the Provost’s and President’s written justifications will be considered as the only grounds for the denial of a candidate’s reappointment or promotion. The ~~u~~University may not introduce new grounds for that denial during the grievance process nor may it assert that there are other, unwritten grounds for that denial.

~~(e)~~(d) The remedy for any grievance filed under this provision, if successful, shall not include an award of reappointment or promotion.

~~(d)~~(e) Such grievances must be filed within thirty (30) days of the Candidate’s receipt of the promotion or reappointment decision from the President as described in 6.8(e)(2)b.2, or the President’s denial of an appeal in Section 6.8(d)(1)b.3(IV).

~~(e)~~(f) Reports and recommendations from the DEP, ~~UEC~~, and Provost shall be available for arbitration proceedings consistent with the requirements described in Florida Polytechnic University Rule 6C13-6.008.

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