

1017 10.6 Employee Assistance Programs. Neither the fact of an employee's participation in an employee  
1018 assistance program nor information generated by participation in the program, shall be used as evidence  
1019 of a performance deficiency within the evaluation process described in this Article, except for information  
1020 relating to an employee's failure to participate in an employee assistance program consistent with the  
1021 terms to which the employee and the University have agreed.

## 1022 1023 1024 **Article 11 - Evaluation ~~File~~Files**

1025 11.1 Policy. ~~There shall be one (1) evaluation file containing a dated copy of all documents used in the~~  
1026 ~~evaluation process, other than evaluation for tenure and promotion and successive fixed multi-year~~  
1027 ~~appointments.~~ When evaluations and other personnel decisions are made, ~~other than for tenure and~~  
1028 ~~promotion, and successive fixed multi-year appointments,~~ the only documents which may be used are  
1029 those contained in that file/evaluation files. Such documents shall be placed in the evaluation files<sub>s</sub> within a  
1030 reasonable time after receipt by the custodian of the file. Employees shall be notified, upon written request,  
1031 of the locations<sub>s</sub> of the evaluation files<sub>s</sub> and the identity of the custodians<sub>s</sub>.

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1033 11.2 Access. An employee may examine ~~the~~ evaluation files<sub>s</sub>, upon reasonable advance notice, during  
1034 the regular business hours of the offices<sub>s</sub> in which the files<sub>s</sub> ~~is~~ are kept, normally within the same business  
1035 day as the employee requests to see it, and under such conditions as are necessary to insure ~~its~~ their  
1036 integrity and safekeeping. Upon request, an employee may paginate with successive whole numbers the  
1037 materials in the file, and may attach a concise statement in response to any item therein. Upon request, an  
1038 employee is entitled to one (1) free copy of any material in the evaluation files<sub>s</sub>. Additional copies may be  
1039 obtained by the employee upon the payment of a reasonable fee for photocopying. A person  
1040 designated by the employee may examine that employee's evaluation files<sub>s</sub> with the written authorization  
1041 of the employee concerned, and subject to the same limitations on access that are applicable to the  
1042 employee. If the evaluation files are online, the employee will be given access to them following processes  
1043 similar to those outlined above for paper files.

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1045 11.3 Indemnification. The UFF agrees to indemnify and hold the University, its officials, agents, and  
1046 representative's harmless from and against any and all liability for any improper, illegal, or unauthorized  
1047 use by the UFF of information contained in such evaluation files.

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1049 11.4 Use of Evaluative Materials. In the event a grievance is filed, University and UFF grievance  
1050 representatives, the arbitrator, and the grievant shall have the right to use, in the grievance proceedings,  
1051 copies of materials from the grievant's evaluation files<sub>s</sub>.

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1053 11.5 Anonymous Material. There shall be no anonymous material in the evaluation files<sub>s</sub> except for  
1054 numerical summaries of student evaluations that are part of a regular evaluation procedure of classroom  
1055 instruction and/or written comments from students obtained as part of that regular evaluation procedure. If  
1056 written comments from students in a course are included in the evaluation files<sub>s</sub>, all of the comments  
1057 obtained in the same course must be included.

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1059 11.6 Peer Committee Evaluations. Prior to being placed in an evaluation file, a copy of all evaluative  
1060 materials and all summaries thereof prepared by the peer committee shall be provided to the employee.  
1061 The employee shall have ten (10) days after receipt of same to present written materials to the peer  
1062 committee regarding same. If the employee does not present written materials to the peer committee  
1063 within said ten (10) days, the original evaluative materials or summaries thereof may be placed in the  
1064 employee's evaluation files<sub>s</sub> when signed by a representative of the committee. If the employee presents  
1065 written materials to the peer committee within the ten (10) days as stipulated above, the peer committee  
1066 shall review any such written material and may or may not modify the evaluative materials and summaries  
1067 thereof. The peer committee may then place all of the original, or if modified, the modified evaluative  
1068 materials and summaries thereof in the employee's evaluation files<sub>s</sub> when signed by a representative of the  
1069 committee along with all written material presented by the employee to the peer committee. The peer  
1070 committee shall ~~provide~~ a copy of all modified evaluative materials and summaries thereof to the  
1071 employee prior to the employee's meeting with the unit head/chair.