

Article 11

Evaluation File

11.1 Policy. There shall be one (1) evaluation file containing a dated copy of all documents, including electronic information, comparative databases, and performance ratings, used in the evaluation process, other than evaluation for tenure and promotion and successive fixed multi-year appointments. When evaluations and other personnel decisions are made, other than for tenure and promotion, and successive fixed multi-year appointments, the only documents which may be used are those contained in that file. Information collected for determination of potential nonrenewal or layoff shall be transparent to the employee. Such documents or information shall be placed in the evaluation file within a reasonable time after receipt by the custodian of the file. Employees shall be notified, upon written request, of the location of the evaluation file and the identity of the custodian.

11.2 Access. An employee may examine the evaluation file, upon reasonable advance notice, during the regular business hours of the office in which the file is kept, normally within the same business day as the employee requests to see it, and under such conditions as are necessary to insure its integrity and safekeeping. Upon request, an employee may paginate with successive whole numbers the materials in the file, and may attach a concise statement in response to any item therein. Upon request, an employee is entitled to one (1) free copy of any material in the evaluation file. Additional copies may be obtained by the employee upon the payment of a reasonable fee for photocopying. A person designated by the employee may examine that employee's evaluation file with the written authorization of the employee concerned, and subject to the same limitations on access that are applicable to the employee.

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

11.4 Use of Evaluative Materials. In the event a grievance is filed, University and UFF grievance representatives, the arbitrator, and the grievant shall have the right to use, in the grievance proceedings, copies of materials from the grievant's evaluation file.

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

11.6 Peer Committee Evaluations. Prior to being placed in an evaluation file, a copy of all evaluative materials and all summaries thereof prepared by the peer committee shall be provided to the employee. The employee shall have ten (10) days after receipt of same

to present written materials to the peer committee regarding same. If the employee does not present written materials to the peer committee within said ten (10) days, the original evaluative materials or summaries thereof may be placed in the employee's evaluation file when signed by a representative of the committee. If the employee presents written materials to the peer committee within the ten (10) days as stipulated above, the peer committee shall review any such written material and may or may not modify the evaluative materials and summaries thereof. The peer committee may then place all of the original, or if modified, the modified evaluative materials and summaries thereof in the employee's evaluation file when signed by a representative of the committee along with all written material presented by the employee to the peer committee. The peer committee shall provide a copy of all modified evaluative materials and summaries thereof to the employee prior to the employee's meeting with the unit head/chair.

11.7 Removal of Contents. Materials shown to be contrary to fact shall be removed from the file. This section shall not authorize the removal of materials from the evaluation file when there is a dispute concerning a matter of judgment or opinion rather than fact. Materials may also be removed pursuant to the resolution of a grievance.

11.8 Limited Access Information. Information reflecting evaluation of employee performance shall be available for inspection only by the employee, the employee's representative, and university officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating employee performance, and arbitrators or others engaged by the parties to resolve disputes, or by others by court order. However, such limited access status shall not apply to summary data, by course, for the common "core" items contained in student course evaluations, which have been selected as such by the University and made available by the University to the public on a regular basis.