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The USF Chapter of the United Faculty of Florida will meet tomorrow, Friday, October 6th at 12 pm, on USF Tampa in EDU254 - and on Zoom. On the [agenda](#): Post Tenure Review and our Unfair Labor Practice charge (see below), preparing for recertification - including our membership drive, and more. Any employee in the Bargaining Unit may attend, but to Zoom in you, must have an invitation: contact [the Chapter Secretary](#) to get one.

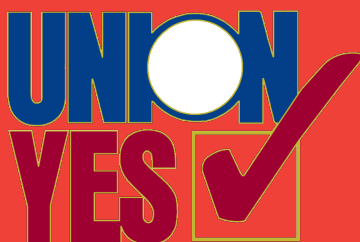


Meetings and events are [posted on the Events Calendar](#) of the [UFF USF Website](#). Come and check us out.

Upcoming Events

On October 20, the UFF USF Chapter Meeting will be on USF St. Petersburg, location TBA.

We will be holding a Tailgate for UFF members and UFF USF employees interested in joining UFF, along with family, at the November 11 football game between USF and Temple University. Details TBA.



Union Membership

If you are not a union member, please [join today](#) (the form connects automatically to the eDues form, so you will want to have your banking information or checkbook information handy). We are stronger standing



Post Tenure Review Has Begun

One fundamental of good management practice is clear communication of expectations *prior to* performance, and then *subsequent* assessment of that performance measured against those expectations.

At USF, academic units have just submitted their expectations for faculty performance during the *preceding* five years, during which the communicated expectations were those in the criteria for annual [performance evaluations](#) - criteria that were recently reworked by consolidation, and whose implementation were impacted by the pandemic.

Any criteria that do not closely track the (reworked and impacted) annual performance evaluation criteria presume clairvoyance - and other superpowers - of the faculty being reviewed.

There is a lot of complaining, but as [Perchik demanded of the complaining men of Anatevka](#), "You stand around and you curse and you chatter, and you don't *do* anything." Of course, one should do something *effective*.



The Law and the Regulations on Who Gets Reviewed

Florida Statute [1001.706\(6\)\(b\)](#) requires that each tenured faculty member "undergo a comprehensive post-tenure review every 5 years," culminating in "Recognition and compensation considerations, as well as improvement plans and consequences for underperformance."

But it's the State University System Board of Governors (BOG)

that's supposed to oversee the universities, and the only authority over the universities that [IX.7\(d\) of the Florida State Constitution](#) gives to the Legislature is that, "The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds..." Nevertheless, the BOG obliged the Legislature and passed [Regulation 10.003](#), which says that during the first year, "20% of tenured faculty will be evaluated, in addition to faculty in the fifth year" ... "following the last promotion or the last comprehensive review, whichever is later." While "Tenured faculty in administrative roles" are also to be evaluated annually, there does not appear to be any exemptions for administrative duties in this regulation.

The university boards of trustees were to make this happen, and the USF Board of Trustees (BOT) responded with a [Post-Tenure Faculty Review Regulation](#), which was approved on August 22. The regulation begins by observing that, "Post tenure review is required of all tenured faculty members ... in accordance with State law" (!). The regulation also states that, "In the first year ... 20% of tenured faculty will be evaluated in addition to faculty in the fifth year" ... "following the last promotion or last comprehensive review" or hiring with tenure. But it also says that, "Tenured faculty in administrative roles ... upon returning to a 1.0 FTE faculty role ... shall undergo post-tenure review in the fifth year following a return to a full-time faculty appointment." *The BOT carved out an apparent exemption for faculty while they were serving in administrative positions.*

(Notice that both regulations say that 20% of all tenured faculty will be reviewed "in addition to" faculty who were reviewed in 2018. That's more than 20%.)

Selected faculty will contribute a "narrative record of accomplishments for the past five years" and a CV, while their supervisor will contribute the faculty member's last five "annual performance reviews" and disciplinary record (if any). These four items make up the faculty member's review packet, which will be reviewed by the faculty member's supervisor, then by the dean (after which the faculty member may respond), and then by the provost (or the vice president of HSC, as appropriate), who will decide whether the faculty member exceeded, met, or did not meet expectations - or will be fired.

So ... with that "addition to" and the apparent exemption for administrative duties, who would be selected?



How the Regulation is Being Implemented

The Administration posted a [Post-Tenure Review](#) page, which included a section on how tenured faculty were to be chosen:

- Those who had last been comprehensively

reviewed in 2018 - either by being hired with tenure or by being promoted or by some other process - would be reviewed. This is the *required cohort*.

- Those who had been comprehensively reviewed after 2018 would not be reviewed - and neither would those with an "administrative appointment". This is the *excluded cohort*.
- The remaining tenured faculty make up the *eligible cohort*.

According to [the table of USF Tenured Faculty](#), there are 941 tenured faculty, and 20% of 941 is 189 (rounding up). As there are 53 faculty in the required cohort who must be reviewed and 509 who are excluded; that leaves $941 - (53 + 509) = 379$ eligible faculty, of whom $189 - 53 = 136$ are to be reviewed. In theory, that would mean that an eligible faculty member would have a $136/379 = 36\%$ chance of being selected.

Before looking at exactly how faculty actually were selected, let's consider some muddles in the selection process.

- The law had no exemption for faculty with administrative assignments, and the BOG had no explicit exemption, although perhaps a sufficient exercise of clairvoyance would uncover one. The BOT apparently exempted faculty with administrative assignments, and that is what the Administration did. However, *the Administration did not remove administrating faculty from the "Total Tenured Faculty,"* which is why the number of eligible faculty who were chosen was so high.
- Oh, yes, 20% of the tenured faculty were to be reviewed "in addition to" the required cohort. That "in addition to" seems to have disappeared.

Is There a Glitch?

Is this process sustainable? If about fifty or so faculty are comprehensively reviewed annually (there were 53 in 2018), then perhaps about half the excluded faculty were comprehensively reviewed after 2018, leaving about half exempted for administrative duties - and none of the latter are eligible for review before 2028. No one now on tenure track will be subject to review before 2028, and neither will new hires with tenure. The figures in most columns of [the table](#) will remain approximately the same over the next few years, as each Required Cohort becomes Excluded (because it was reviewed) and about a fifth of the Excluded cohort becomes Required (once it is five years since their last review). But meanwhile, the Selected moves into Excluded as they are reviewed. *The columns that change are the Eligible column (as Eligible faculty are reviewed) which declines and the Excluded column (where reviewed eligible faculty go) which increases.* The number of eligible faculty goes down by somewhat over a hundred annually: in three years, all non-administrative faculty will have been reviewed. Then what?

But it's even more complicated than that.

The number of faculty to be evaluated in each college was calculated separately, and as a result, the probabilities of an eligible faculty member

to be selected was:

College	Percent of eligible to be reviewed
The Arts	23
Arts and Sciences	36
Behavioral and Community Sciences	46
Education	52
Engineering	33
Marine Science	38
Medicine	39
MUMA Business	22
Nursing	60
Public Health	40
Taneja Pharmacy	33

This year, the probability of an eligible Nursing faculty member being chosen was nearly three times as high as that of an eligible Business faculty member. Moreover, it may not be possible to review 20% of the College of Education faculty in 2024-25.

This was a rush job - nothing was bargained, departments were not given adequate time to generate criteria, and now in the middle of the fall semester, 189 faculty are suddenly told to put together packets in a month and a half. Deadlines have already been missed, and it is likely that there will be additional errors between now and April, when the results of the reviews are to be announced. And that can only reflect negatively on the credibility of those results.

What UFF is Doing About It

Last Friday, the United Faculty of Florida filed an [Unfair Labor Practice](#) "charge" against the USF Board of Trustees on "Post-Tenure Faculty Review" (and several other items). An Unfair Labor Practice charge is heard before the [Public](#)

Employees Relations Commission, which is officially described as, "...a quasi-judicial body that adjudicates labor and employment disputes between public employees and governmental entities, including the state, counties, municipalities, school boards, and special taxing districts."

In UFF's Unfair Labor Practice

charge, the UFF charges that the Board of Governors simply imposed post-tenure review without bargaining it, and that the BOG forbade the universities from bargaining anything concerning post-tenure review that changed anything the BOG had imposed. As a result, the USF Board of Trustees did not bargain the regulation before approving it, and now it is being implemented in direct violation of the contract. Since the employees - both UFF members and non-members - have the right to have the terms and conditions of their employment bargained by their union, simply imposing post-tenure review was illegal.

The UFF has asked Public Employees Relations Commission to take several steps to remedy the situation, including "that the USF BOT and the BOG be ordered to cease and desist from" implementing post-tenure review: the USF Board should bargain post-tenure review in good faith, or drop it.



Reminders

The USF-UFF Chapter website is <https://uff.ourusf.org/>, and our e-mail address is uff@ourusf.org.

About this broadcast: This Newsletter was broadcast by Constant Contact, and is intended for all members of the UFF USF Bargaining unit (USF faculty and professionals at most departments). A (usually identical) version will be broadcast to USF-News and USF-Talk from mccolm@usf.edu.

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