

ARTICLE 6 – APPOINTMENT & PROMOTION

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21 **6.1 General Principles.**

22 (a) The University and UFF recognize that Florida Polytechnic University is a new
23 institution, and as such, both parties accept that flexibility is required as we develop
24 an excellent faculty through the process of appointment and promotion. The
25 University and UFF share the desire to improve the quality of the University in all
26 areas, but particularly in the execution of teaching, research, and service by the
27 faculty. This article balances a recognition of the University’s unique history,
28 newness, and current situation with a shared desire for continuous improvement.

29 (b) Faculty are defined as individuals whose primary responsibilities include teaching,

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1 service, and where applicable, research. Faculty included in this contract are
2 designated by ranks of Instructor, Senior Instructor, Assistant Professor, Associate
3 Professor, and Professor.

4 (c) The University and UFF further recognize that reappointment and promotions are
5 an important method by which the University recognizes excellence and rewards
6 its employees' contributions to advancing the mission of the University.

7 (d) Reappointment and promotion decisions are not determined by any sole factor and
8 are based upon a careful and rigorous assessment that relies upon faculty and
9 administrative review of:

10 (1) a faculty member's demonstrated teaching, scholarship, research service
11 contributions, and other work duties, as relevant, at the University;

12 (2) the assessment of the faculty member's continued positive contribution to
13 their department and the University, and;

14 (3) the faculty member's potential for continued appropriate contributions and
15 growth.

16 (e) Elements critical to the promotion process include, but may not be limited to:

17 (1) a faculty member's annual performance evaluations;

18 (2) a significant and careful review of credentials by a set of faculty that hold
19 at least the rank sought by the Candidate;

20 (3) an external set of recommendations appropriate for that faculty member
21 (excluding instructors and academic professionals) by subject matter
22 experts in the Candidate's field, and;

23 (4) administrative review.

24 (f) Every Candidate for reappointment and/or promotion will be fairly evaluated, and
25 the evaluation process will be maintained to the highest degree of integrity.

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

27 **6.2 Employment Contract.**

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

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- 1 **(b)** No appointment or assignment will create any right, interest, or expectancy in any
- 2 other appointment or assignment beyond its specific terms, except as provided in
- 3 this Agreement.
- 4 **(1)** No special commitment or conditions offered to new hires shall bind the
- 5 University indefinitely.
- 6 **(2)** A special commitment or condition will be observed unless it is no longer
- 7 financially or logistically feasible or circumstances have changed enough
- 8 that it is no longer in the legitimate interests of the University.
- 9 **(3)** If the university decides not to observe a special commitment or condition,
- 10 the university will inform the employee in a timely manner. Upon the
- 11 employee’s request, the university will provide a written justification of its
- 12 decision not to observe the special commitment or condition.
- 13 **(c)** Appointments expire on the date set forth in the faculty member’s employment
- 14 contract. No further notice of cessation of employment is required, unless otherwise
- 15 provided in this Agreement.
- 16 **(d)** If the University intends to offer a faculty member reappointment, the University
- 17 will inform the faculty member by August 15 following the academic year in which
- 18 the reappointment review was conducted.
- 19 **(e)** Resignation.
- 20 **(1)** An employee who wishes to resign has the professional obligation, when
- 21 possible, to provide the University with sufficient notice to avoid
- 22 scheduling and classroom disruptions or, where the employee does not have
- 23 an instructional assignment, a minimum of four (4) weeks' notice.
- 24 **(2)** Upon resignation, all consideration for reappointment and promotion will
- 25 cease.

6.3 Faculty Appointment and Reappointment Contract Duration.

- 27 **(a)** Contract duration for faculty appointments and reappointments are as follows:
- 28 **(1)** Instructor
- 29 a. Initial Contract duration: two (2) years
- 30 b. Reappointment Contract duration: two (2) years.

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- 1 c. Promotion Contract duration: Faculty promoted from Instructor to
- 2 Senior Instructor shall receive an initial appointment contract
- 3 duration of (3) years.
- 4 (2) Senior Instructor
- 5 a. Initial contract duration: three (3) years
- 6 b. Reappointment contract duration: three (3) years
- 7 (3) Assistant Professor.
- 8 a. Initial Contract Duration: three (3) years.
- 9 b. Reappointment Contract Duration: three (3) years.
- 10 c. Promotion Contract duration: Faculty members promoted from
- 11 Assistant to Associate Professor shall receive an appointment
- 12 Contract duration of six (6) years
- 13 (4) Associate Professor
- 14 a. Initial Contract Duration: three (3) years, unless the University
- 15 determines that an initial term of four (4) or five (5) years is
- 16 appropriate or warranted. The reason for a longer initial term shall
- 17 be provided to the UFF upon request.
- 18 b. Reappointment Contract Duration:
- 19 1. Three (3) years based upon a Preliminary Review (see
- 20 Section 6.7(a)(1)).
- 21 2. Six (6) years based upon a Full Review (see Section
- 22 6.7(a)(2)).
- 23 c. Promotion Contract Duration: Individuals promoted from Associate
- 24 Professor to Professor shall receive an appointment term of six (6)
- 25 years.
- 26 (5) Professor
- 27 a. Initial Contract Duration: six (6) years, unless the University
- 28 determines that it is in its best interest to offer an initial contract with
- 29 a three (3) to five (5) year duration.

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b. Reappointment Contract Duration: six (6) years when based upon a Full Review (see Section 6.7(a)(2)).

6.4 Reappointment and Promotion Review Eligibility and Requirements.

(a) Faculty are eligible for Reappointment and Promotion Reviews during the following periods:

(1) Instructor

a. Reappointment Cycle: two (2) years. Instructors receive an Instructor’s Review during the spring semester of the final year of their initial appointment and a biennial instructor’s review (occurring every two years) thereafter.

b. Individuals whose employment did not start at the beginning of the fall semester will have their Instructor’s Review delayed to the first spring semester following the completion of a minimum of four (4) full, contiguous fall and spring semesters following their initial appointment.

(2) Senior Instructors

a. Reappointment Cycle: three (3) years after Promotion or initial contract – Instructor’s Review during the spring semester of the third (3rd) year after their first promotion period (6th full semester as a Senior Instructor).

(3) Assistant Professor

a. Preliminary Review (see 6.7(a)(1)).

1. 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.

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.

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- 1 3. May only be reappointed once and must apply, consistent
- 2 with the start of the process in the fall semester, for
- 3 promotion no later than at the completion of six (6) academic
- 4 years (fall to spring).
- 5 4. However, if hired prior to June 1, 2017, such faculty must
- 6 apply for promotion to Associate Professor no later than the
- 7 last year of their three-year reappointment term.

8 **b. Promotion**

- 9 1. Assistant Professors must be promoted to Associate
- 10 Professor by the end of their second (2nd) reappointment
- 11 term, noting Section 6.4(a)(3)a.3 above, in order to receive a
- 12 contract with a duration greater than a single terminal year.
- 13 2. The University may, at its sole discretion, permit a faculty
- 14 member to delay promotion review by granting a maximum
- 15 one (1) year extension at this rank due to a valid request for
- 16 FMLA or other appropriate leave.
- 17 3. Other extensions must be formally agreed upon in writing by
- 18 both the FPU-BOT and UFF-FPU.
- 19 4. In order to be considered for promotion, a faculty member
- 20 must have a Full Review as described in Section 6.7(a)(2).

21 **(4) Associate Professor**

22 **a. Preliminary Review (see Section 6.7(a)(1)).**

- 23 1. Preliminary review for reappointment is only available to
- 24 Associate Professors as their first review after their initial
- 25 appointment if their initial appointment is less than six (6)
- 26 years.
- 27 2. Preliminary Review for reappointment begins at the start of
- 28 the spring semester of the final year of their contract.

29 **b. Full Review (see Section 6.7(a)(2)).**

- 30 1. Except as described in Section 6.4(a)(4)a.1, Full Reviews are

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1 required for reappointment of Associate Professors and must
 2 be completed before the expiration date of a Candidate's
 3 existing contract.
 4 (I) If an Associate Professor is reappointed based on a
 5 preliminary review, all subsequent reappointment
 6 reviews are based upon a Full Review.
 7 2. The Full Review may be used, at the Candidate's election,
 8 to also request promotion to the rank of Professor.

9 (5) Professor:

10 a. Reappointment is based upon a Full Review (see Section 6.7(a)(2)).

11 **6.5 Promotion Categories and Eligibility Criteria for Faculty.**

12 (a) Subject to the requirements set forth herein, faculty holding the rank of Instructor,
 13 Assistant Professor and Associate Professor shall be eligible to apply for promotion
 14 to the next higher rank.

15 (b) Professional Ranks:

16 (1) Instructor to Senior Instructor.

17 a. Senior Instructors are at their highest rank possible and cannot be
 18 promoted to Assistant Professor.

19 (2) Assistant to Associate Professor.

20 (3) Associate Professor to Professor.

21 (c) Notice of Intent. Faculty that seek promotion must declare their intent to seek
 22 promotion in writing to the Provost and their Department Chair or Division Director
 23 (if applicable), no later than the start of the fall semester in the academic year in
 24 which they will seek promotion.

25 (d) Minimum Qualifications.

26 (1) Faculty (including Instructors) must serve at least five (5) academic years
 27 at their current (or higher) rank in order to qualify for promotional
 28 consideration to a higher rank.

29 (2) At least two (2) of the five (5) immediately preceding academic years must

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1 be served at the University.

- 2 (3) The University, at its discretion, may provide exceptions to these minimum
- 3 qualifications upon request of a faculty member and approval of their Chair,
- 4 Director (when a Director is present), and the Provost or designee.

5 **6.6 Reappointment and/or Promotion Materials for Assistant Professors, Associate**
 6 **Professors, and Professors.** (Note: Instructors see Section 6.9)

- 7 (a) The candidate submits a “dossier” in support of their reappointment or promotion.
- 8 (b) The promotion “packet” is the body of material that includes the dossier, letters of
- 9 reference if required, any supplemental information considered by the committees
- 10 or Provost and the candidate’s response to that supplemental information, and
- 11 committee recommendations as specified by the process.
- 12 (c) Candidate Prepared Dossier. A Candidate for reappointment or promotion must
- 13 prepare a dossier for consideration, which must include: a personal statement from
- 14 the Candidate and elements that show the Candidate’s demonstrated abilities and
- 15 competencies in teaching, service, and research—including: performance reviews
- 16 received since their last reappointment if applicable (if not, all performance reviews
- 17 received), faculty activity reports from two (2) prior years of employment at the
- 18 University.
- 19 (d) Faculty Dossier contents:
- 20 (1) The faculty dossier is prepared by the faculty member and, within the
- 21 boundaries of the specified format, must show the candidate’s competencies
- 22 in teaching, service, and research.
- 23 (2) Intentional or significant misrepresentations contained in the Candidate’s
- 24 dossier shall serve as just cause for termination pursuant to Article 9 –
- 25 Discipline.
- 26 (e) Faculty Dossier format.
- 27 (1) The Provost shall develop the format and guidelines for the Candidate
- 28 Prepared Dossier and send them to the Faculty Representative Council
- 29 (“FRC”) for review and comment by February 15 of the spring semester in
- 30 even numbered calendar years.

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- 1 a. The FRC shall review, within fourteen (14) days of receipt, the
- 2 format and guidelines and shall recommend approval or changes to
- 3 the Provost.
- 4 b. Should the FRC recommend changes, the Provost shall, within ten
- 5 (10) days, either accept the changes or give a written justification
- 6 for not accepting the changes.
- 7 (2) The Candidate Prepared Dossier must follow the final format as finalized
- 8 by the Provost and faculty are solely responsible for the content within, and
- 9 production of, the dossier. Review committees may choose to not consider
- 10 a dossier which does not substantially follow the required format.

(f) Reference Letters.

(1) Reference letters are required for Promotion Reviews and ~~may be required for F~~ull ~~R~~eviews.

~~(2) Reference letters may be used in a full review if the candidate requests reference letters be used or the Department Chair requests reference letters be use.~~

~~(3)~~(2) Reference letters are added to the faculty dossier by the provost’s office and become a part of the reappointment or promotion packet.

~~(4)~~(3) Letters are not required for promotion to Senior Instructor.

~~(5)~~(4) 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 ~~6.6(f)(5)~~6.6(f)(6).

~~(6)~~(5) Requesting Reference Letters.

- a. A minimum of four (4) reference letters must be requested.
- b. The Candidate “nominates” up to four (4) individuals to provide reference letters.
- c. The Department ~~(or Division)~~ Evaluation Panel ~~(“DEP”)~~ formally requests all external reference letters, which shall include at a

Commented [FPU-BOT1]: The problem with creating a discretionary process for reference letters is that not every faculty member would have the same basic process for a full review. If it is discretionary, then it may not be equally requested across departments. For it to be fair, we have to be consistent with the procedure. Plus, is there any difference from requiring them? Making it discretionary will certainly lead to the same outcome in which the letters will be requested for everyone.

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1 minimum two (2) individuals nominated by the Candidate, and a
2 minimum of two (2) letters from individuals not nominated by the
3 Candidate.

4 ~~(7)~~(6) Request for Reference Letter template

5 a. The Provost (or designee) will draft a letter that specifies what
6 materials will be provided to the external referee and provide the
7 letter to the ~~UEC~~University Evaluation Committee.

8 b. The ~~University Evaluation Committee UEC~~—will review the draft,
9 make appropriate revisions, and provide the final draft of the letter
10 to the Department Evaluation Panel (~~“DEP”~~) for distribution.

11 ~~(8)~~(7) The confidential reference letters shall be included for review with
12 Candidate’s dossier and any supplemental materials.

13 a. A list of the names of all individuals asked to provide a review and
14 whether any declined to provide this review, and reason given, if
15 any, will also be included in the Packet.

16 **6.7 Reappointment and/or Promotion Process: Types, Notices, and Committee**
17 **Memberships for Assistant Professors, Associate Professors, and Professors.—**

18 (a) Types of Review Processes.

19 (1) Preliminary Review.

20 a. A review that does not include external letters and is only conducted
21 by the Department Evaluation Panel (as described below in Section
22 6.7(c)).

23 b. Results of this review are provided directly to the Provost for
24 consideration.

25 (2) Full Review.

26 a. A review that ~~may~~includes external letters and is conducted by the
27 Department Evaluation Panel (~~“DEP”~~), then the University
28 Evaluation Committee (~~“UEC”~~) (as described below in Section
29 6.7(d)).

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b. Results of the reviews are then provided to the Provost for consideration, except in Sections ~~6.7(d)(2)~~ & ~~6.8(c)(5)~~ ~~6.8(e)(5)~~ ~~a~~, in which the results of the reviews are directly provided to the President for consideration.

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(b) Notice of Review Requirement

- (1) Individuals that require a Preliminary Review (as specified in Section 6.7(a)(1)), 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) Before the start of the fall semester in the year when an individual must seek reappointment, the University will provide notice to professors who:
 - a. must apply for promotion from Assistant to Associate Professor to maintain their appointment, or;
 - b. must participate in a Full Review to renew their appointment.
- (3) Notice from the University will provide information relevant to the applicable reappointment/promotion process including instructions and deadlines (the "Notice").
- (4) Within fifteen (15) days of receiving ~~such~~ the Notice, eligible professors will inform the University of their election to apply for promotion or proceed with reappointment.
- (5) Candidates for reappointment or promotion shall provide the University with their dossier by the deadline set forth in the Notice referenced herein.

(c) Department Evaluation Panel ("DEP") Membership

- (1) DEP Chair.
 - a. The ~~Division Director, if present, or if there is not a division, the~~ Department Chair serves as the chair of the DEP if the Department Chair holds the appropriate faculty appointment rank.
 - b. If the ~~Division Director or~~ Department Chair does not hold the appropriate rank, the Provost will appoint a chair for the DEP.
- (2) DEP Membership.

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- 1 **a.** For reviews of Assistant and Associate Professors, the DEP shall
- 2 consist of faculty of a higher rank than the Candidate within the
- 3 Candidate’s division, or if no division is present, within the
- 4 Candidate’s department. When there are an insufficient number of
- 5 faculty to meet the minimum requirements for a DEP, the process
- 6 below will be used to form a DEP.
- 7 **b.** There must be a minimum of five (5) qualified (appropriately
- 8 ranked) individuals serving on the DEP.
- 9 **1.** If the number of individuals available to serve on the DEP is
- 10 less than five (5), the Provost and DEP Chair will each select
- 11 a faculty member or, if necessary, two (2) faculty members
- 12 of appropriate rank from another unit at the University to
- 13 serve on the DEP.
- 14 **c.** Individuals that are in the terminal year of their employment
- 15 contract (as a result of non-reappointment, resignation, or layoff) or
- 16 those who received “Needs Improvement” or “Deficient” (or
- 17 “Unsatisfactory”) in their most recent performance evaluation are
- 18 not eligible to serve on the DEP, regardless of any pending
- 19 grievance to challenge such evaluation (See Section 11.11(a)).
- 20 **d.** A faculty member who is a Candidate for Reappointment may serve
- 21 on the DEP only with the approval of the Provost and DEP Chair.
- 22 ~~**e.** The Provost or designee will request that members chosen for the~~
- 23 ~~DEP identify any conflicts of interest that might arise from their~~
- 24 ~~service on the DEP. The Provost or designee may excuse panel~~
- 25 ~~members from the committee or from decisions on particular~~
- 26 ~~candidates for conflicts of interest.~~
- 27 **(d)** University Evaluation Committee (“UEC”) ~~membership~~ **Membership.**
- 28 **(1)** **UEC Membership.**
- 29 **a.** The UEC is appointed by the Provost from those holding the rank
- 30 “Professor” from a nomination pool provided by the Faculty
- 31 Representative Council; however, if there are fewer than eight (8)

Commented [FPU-BOT2]: Although it is framed as a discretionary act, this procedure is actually creating a subjective criteria that overrides any objective eligibility for membership on the committee. Inevitably, decisions as to who is on the committee will be subject to challenge later by a candidate who disagrees with the University’s assessment of a committee member’s perceived conflict of interest. This would remove the University’s ability to decide who will staff any reappointment/promotion committee within the parameters defined in this article. Conflicts of interest are naturally going to exist at a small institution, so the consequences of a provision like this will create serious limitations especially since we have agreed to enlarge the size of the DEP/UEC. I couldn’t come up with a happy medium here because where is the line drawn? Ultimately, the individuals on the committee are trusted to respect the process for their colleagues and uphold their responsibilities in a professional manner. We recognize the importance of avoiding conflicts of interest and strive to avoid anything that would impugn the credibility of the committee process - especially before it even starts. This conflict analysis however must remain an internal function that must be managed appropriately by the University.

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1 qualified individuals at the University, all such qualified individuals
2 shall be deemed in the nomination pool.

3 1. Individuals that are in their terminal year of employment (as
4 a result of non-reappointment, resignation, or layoff), or
5 those who received "Needs Improvement", "Unsatisfactory"
6 or "Deficient" in their most recent performance evaluation,
7 are not eligible to serve on the UEC, regardless of any
8 pending grievance to challenge such evaluation (See Section
9 11.11(a)).

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

12 b. Term duration will be staggered to have a "normal" term of three (3)
13 years in length and with overlap in UEC membership so that
14 institutional knowledge for the committee is maintained.

15 c. If fewer than four (4) individuals are eligible to staff the UEC, the
16 UEC will be chaired by the Provost with all eligible faculty serving
17 as members.

18 ~~d. The Provost or designee will request that members chosen for the~~
19 ~~UEC identify any conflicts of interest that might arise from their~~
20 ~~service on the UEC. The Provost or designee may excuse panel~~
21 ~~members from the committee or from decisions on particular~~
22 ~~candidates for conflicts of interest.~~

Commented [FPU-BOT3]: See the comment above.

23 (2) Number of UEC Members.

24 a. If fewer than ten (10) individuals with the rank Professor are on staff
25 at the University, the UEC will consist of four (4) to six (6)
26 individuals at the discretion of the University.

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

30 c. With more than twenty (20) Full Professors on staff, the UEC will
31 consist of seven (7) members.

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- d. If, during the review of an individual with rank Professor, if the faculty member’s unit does not have a minimum of four (4) individuals with the rank of Professor, the UEC will be the sole reviewing committee for that faculty member.
- e. The UEC must operate in executive session and in total confidentiality.

6.8 Reappointment and Promotion Procedure for Assistant Professors, Associate Professors, and Professors.

(a) General Rules.

(1) Previously Promoted. If the University previously promoted the Candidate, the promotion assessment shall be based on the Candidate’s performance since the Candidate’s last promotion.

(2) Not Previously Promoted.

- a. If the University has not previously promoted the Candidate, the promotion assessment is cumulative and must include consideration of the Candidate’s achievements prior to employment at the University.
- b. However, the Candidate’s promotion assessment must also establish that the Candidate has continued to progress and achieve in the categories and criteria used for reappointment and/or promotion while employed at the University.

(3) Reference Letters for Promotion and Full Reviews.

- a. ~~A single negative reference may not be the sole basis for not reappointing a candidate or for not promoting a Candidate, unless such reference indicates that a Candidate’s dossier contains a misrepresentation as provided in Section 6.6(d)(2) and a subsequent investigation has found that a misrepresentation has occurred. The candidate shall have a reasonable opportunity to respond to the claim.~~
- b. Promotion and reappointment decisions shall not be based solely on the reference letters received.

Commented [FPU-BOT4]: As stated previously, we wouldn't rely on 1 letter that alleged misrepresentations occurred so we'll cut this part altogether. We would need to conduct an investigation into the allegation anyway so all of this extra stuff is unnecessary in my opinion. So my deletion is bringing it back to how it was before.

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- 1 **(4) Department Inputs.**
- 2 **a.** If the DEP includes no members from the candidate’s department,
- 3 the DEP will request input from the department chair before
- 4 finalizing its recommendation.
- 5 **b.** If the Department chair is the candidate and no member from the
- 6 chair’s department is a member of the DEP, the Provost or designee
- 7 shall select a member of the chair’s department to provide input to
- 8 the DEP before the DEP finalizes their recommendation.
- 9 **(b) DEP Review and Recommendation.**
- 10 **(1)** The University shall provide the Packet (as described in Section 6.6) to the
- 11 DEP for review.
- 12 **(2)** For ~~cases that that will include reference letters~~ Full Reviews, the DEP will
- 13 meet to select individuals that will receive requests for reference letters for
- 14 the candidate. This meeting should be early in the process to allow time for
- 15 the receipt of the letters.
- 16 **(3)** The DEP may acquire ~~or~~ and review supplemental materials and/or other
- 17 information as appropriate.
- 18 **a.** If supplemental materials and/or other information is used as part of
- 19 the review, the Candidate will be informed of the use of this
- 20 information and provided a minimum of five (5) days, but no longer
- 21 than ten (10) days, to respond to the information.
- 22 **(4)** For Preliminary Reviews, the DEP will prepare and provide a report that is
- 23 added to the candidate’s packet. The DEP recommendation is presented to
- 24 the Provost directly. Within this report, the DEP may choose to highlight
- 25 areas of concern and comment on the candidates progression towards on-
- 26 time promotion.
- 27 **(5)** For Full Reviews, the DEP will prepare and provide a report that is added
- 28 to the candidate’s packet. The DEP recommendation is presented to the
- 29 UEC.
- 30 **(6)** The DEP must operate in executive session and in total confidentiality.
- 31 **(7)** All DEP reports, recommendations, and work product constitute faculty

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1 evaluative information and/or limited-access records, pursuant to Florida
2 Polytechnic University Rule 6C13-6.008.

3 (c) UEC Report and Recommendation.

4 (1) If conducted, the DEP will add its report to the Candidate’s packet which
5 includes the dossier, letters of recommendations, a table listing review
6 requests, the DEP report and recommendation, and any supplemental
7 materials and Candidate responses which were used as part of the decision
8 in the review.

9 (2) The UEC will use the candidate’s packet to consider the reappointment or
10 promotion request.

11 (3) The UEC may acquire ~~or~~ and review supplemental materials and/or other
12 information as appropriate.

13 a. If supplemental materials and/or other information is used as part of
14 the review at any time during the process, the Candidate will be
15 informed of the use of this information and provided a minimum of
16 five (5) days, but no longer than ten (10) days, to respond to the
17 information.

18 (4) Reference letters are to be used as an input to the overall evaluation by the
19 committee.

20 a. A single negative reference may not be the sole basis for not
21 reappointing a candidate or for not promoting a Candidate, ~~unless
22 such reference indicates that a Candidate’s dossier contains a
23 misrepresentation as provided in Section 6.6(d)(2) and a subsequent
24 investigation has found that a misrepresentation has occurred. The
25 candidate shall have a reasonable opportunity to respond to the
26 claim.~~

27 b. Promotion and reappointment decisions shall not be based solely on
28 the reference letters received.

29 (5) The UEC will prepare a report and recommendation that is addressed to the
30 Provost. The UEC report is added to the Candidate’s packet.

Commented [FPU-BOT5]: See my comment before.

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- 1 a. If the Provost chairs the UEC, the Provost will not make a
- 2 recommendation, but will supply a candidate’s Packet, and both the
- 3 UEC and DEP reports to the President for a final decision.
- 4 (6) All UEC reports, recommendations, and work product constitute faculty
- 5 evaluative information and/or limited-access records, pursuant to Florida
- 6 Polytechnic University Rule 6C13-6.008.
- 7 (d) **Provost’s Review and Recommendation.**
- 8 (1) The Provost shall review all procedural and substantive matters for
- 9 completeness in order to ensure that the DEP and/or UEC have met their
- 10 responsibilities in this Article.
- 11 a. If procedural errors or inconsistencies are present in the process, the
- 12 Provost will send materials back to the appropriate part of the
- 13 process for correction before making a recommendation regarding
- 14 the candidate.
- 15 b. In rare instances, the Provost may acquire ~~or~~ and review
- 16 supplemental materials and/or other information as appropriate for
- 17 completeness and accuracy of the Candidate’s packet.
- 18 1. As with the procedures used by the DEP and the UEC, any
- 19 supplemental materials and/or other information must be
- 20 disclosed to the Candidate with the same response rights and
- 21 times as provided in the DEP and UEC review.
- 22 2. If applicable, the supplemental materials and/or other
- 23 information and the Candidate’s response(s) will be
- 24 appended to the Candidate’s packet.
- 25 (2) After a careful review of the reports and recommendations of the DEP and
- 26 UEC (if applicable), and the Candidate’s packet, the Provost, in his or her
- 27 best judgment, shall make a positive or negative recommendation in writing
- 28 as to the Candidate’s reappointment or promotion.
- 29 a. The Provost’s recommendation, if positive, is provided to the
- 30 President consistent with Section 6.8(e).

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- 1 **b.** If the Provost’s recommendation is negative, the decision and
- 2 written justification are provided to the Candidate. Unless
- 3 overturned on appeal by the President, negative recommendations
- 4 from the Provost are terminal.
- 5 **c.** The process for appealing a negative recommendation from the
- 6 Provost is as follows:
 - 7 **1.** Within ten (10) days of the Provost’s written justification
 - 8 being provided the Candidate may submit a written appeal
 - 9 to the Office of the President (president@floridapoly.edu).
 - 10 **(I)** Failure to appeal a negative recommendation within
 - 11 the ten (10) day time frame renders the
 - 12 recommendation final and subject to no further
 - 13 review or grievance ~~unless further information is~~
 - 14 ~~discovered that indicates that the reappointment~~
 - 15 ~~and/or promotion process as laid out in this article~~
 - 16 ~~was not followed.~~
 - 17 **2.** Upon receipt of the Candidate’s appeal, the President will
 - 18 review the Provost’s negative recommendation, the UEC
 - 19 and DEP committee reports, and the Candidate’s packet.
 - 20 **3.** The scope of the President’s appellate review is limited to
 - 21 the correcting errors of judgment or process.
 - 22 **4.** Within twenty (20) days of receipt of the Candidate’s appeal,
 - 23 the President will render a decision either granting or
 - 24 denying the appeal on its merits.
 - 25 **(3)** The Provost’s recommendation, Provost’s written justification, and the
 - 26 President’s decision as a result of the appeal process constitute faculty
 - 27 evaluative information and/or limited-access records, pursuant to Florida
 - 28 Polytechnic University Rule 6C13-6.008.
 - 29 **(e)** **President’s Review and Authority.** The President shall have the sole authority to
 - 30 grant a Candidate’s reappointment or promotion and will act upon the request for
 - 31 reappointment or promotion provided by the Provost.
 - 32 **(1)** The granting of reappointment or promotion shall be based on the

Commented [FPU-BOT6]: If someone wants to preserve their right to grieve the decision, they need to avail themselves of the process we've got here. As Paragraph 3 in this section says, the President reviews appeals for process errors. The problem with placing an arbitrary deadline to proceed with an appeal for a "previously unknown" procedural error is that it effectively eliminates the 10 day deadline to submit the appeal. Even if you capped it at 30 days, what's the point in the 10 day deadline? Currently, if someone waited the full 10 days to appeal, plus 20 days for a decision, then waited the full 30 days deadline to file a Step 2 grievance, that is already 2 months out from the original recommendation from the Provost.

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- 1 University’s criteria, clarifications produced by the Candidate’s unit or
 2 department, the reports and recommendations of the DEP and UEC, any
 3 documents relied upon by the DEP and UEC in creating their reports and
 4 recommendations, the Candidate’s packet, and the written recommendation
 5 of the Provost.
- 6 **(2)** The President will consider the items listed above, noting that the committee
 7 reports have provided a strong review of the candidate and, in his or her best
 8 judgment, either:
- 9 **a.** grant reappointment or promotion, via written notice, within the
 10 terms of this contract, or;
- 11 **b.** deny the request for reappointment or promotion.
- 12 **(3)** If the President’s final decision on reappointment or promotion is negative,
 13 the President shall provide written justification to the Candidate within
 14 twenty (20) days of the decision. .
- 15 **(4)** The President’s written notice of granting reappointment or promotion
 16 (6.8(e)(2)a) and written justification denying the request for reappointment
 17 or promotion (6.8(e)(3)), constitute faculty evaluative information and/or
 18 limited-access records, pursuant to Florida Polytechnic University Rule
 19 6C13-6.008.
- 20 **(f)** If a Candidate does not receive a promotion following formal consideration by full
 21 review, the Candidate may not reapply for promotion until after the completion of
 22 two (2) additional academic years. This clause shall not unreasonably deny a
 23 Candidate their terminal promotion consideration to Associate Professor.
- 24 **(g)** The Candidate being considered for promotion may withdraw from consideration
 25 provided that the withdrawal is made before the UEC begins its consideration of
 26 the Candidate. Such withdrawal shall be without prejudice and will not render the
 27 Candidate ineligible for the next promotional cycle.
- 28 **(h)** Promotion Date.
- 29 **(1)** Promotions for professors that are granted shall be effective on August 15
 30 following the decision date.
- 31 **(2)** An individual may use their new title effective upon written notification of

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their promotion.

6.9 Reappointment and Promotion for Instructors and Senior Instructors.

(a) Reappointment & Promotion Materials:

(1) Reappointment Materials: Instructors must submit the following materials to be considered for reappointment:

- a. Candidate personal statement
- b. Updated, current curriculum vitae
- c. Last two (2) faculty activity reports
- d. Last two (2) reviews from department chair

(2) Promotion (Instructor to Senior Instructor) Materials:— Instructors must submit the following materials to be considered for Promotion to Senior Instructor:

- a. Candidate personal statement
- b. Updated, current curriculum vitae
- c. Teaching portfolio
- d. Last two (2) faculty activity reports
- e. Last two (2) reviews from department chair

(3) Reappointment of Senior Instructors: Senior Instructors must submit the following materials to be considered for reappointment:

- a. Candidate personal statement to include update of activity since promotion or last reappointment
- b. Updated Curriculum Vitae
- c. Last three (3) faculty activity reports
- d. Last three (3) reviews from department chair

(b) Reappointment and Promotion: Types, Notices, and Criteria

(1) Types:

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- 1 a. Faculty at the instructor level undergo reappointment reviews and
- 2 promotion review (if eligible and by choice of the candidate).
- 3 b. Instructors are not required to seek promotion, nor may they be
- 4 penalized for not seeking promotion.
- 5 c. Once promoted, Senior Instructors likewise undergo reappointment
- 6 reviews.
- 7 (2) Notice of Reappointment or Promotion eligibility or requirement will take
- 8 place consistent with the notification requirement for other faculty.
- 9 (3) Criteria for Instructor and Senior Instructor reappointment and promotion
- 10 will be developed through the process outlined below in Section 6.10.
- 11 (c) Review Panel and Committees for Instructor-Level Reappointments and
- 12 Promotion.
- 13 (1) Instructor-DEP: Shall consist of the department DEP plus one (1) Assistant
- 14 Professor chosen by the Department Chair and one (1) out-of-department
- 15 Senior Instructor, Instructor, or Assistant Professor chosen by the Provost.
- 16 (2) Instructor-UEC: Shall consist of the UEC plus one (1) Senior Instructor. If
- 17 there is no individual with the rank Senior Instructor, the Provost will
- 18 choose one (1) Associate Professor from outside the Instructor’s
- 19 department.
- 20 (d) Reappointment and/or Promotion Process, the Instructor Review.
- 21 (1) The Instructor-DEP and Instructor-UEC follow the same process as they do
- 22 for other faculty, except there is no outside letter requirement for Instructor
- 23 promotion or Senior Instructor reappointment.
- 24 (2) For reappointment reviews of Instructors and Senior Instructors, the
- 25 Instructor-DEP provides its report directly to the Provost.
- 26 (3) Every third (3rd) reappointment review for Instructors and Senior Instructors
- 27 requires an evaluation by the UEC.
- 28 (4) Promotion reviews for Instructors require an evaluation by the Instructor-
- 29 UEC.
- 30 (5) Provost Review and Recommendation.

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- 1 a. Both Instructor-DEP and Instructor-UEC reviews for Instructors
- 2 and Senior Instructors culminate in either a positive or negative
- 3 recommendation by the Provost as described in Section 6.8(d)(2).
- 4 b. These processes shall be consistent with that outlined for other
- 5 faculty in Section 6.8(d).
- 6 (6) President’s Review and Authority. Actions on reappointments and
- 7 promotions by the President and Provost will be acted upon in the same
- 8 manner as described in Section 6.8(e).

9 **6.10 Development of Reappointment and Promotion Criteria for Instructors, Assistant**
10 **Professors, Associate Professors, and Professors.**

- 11 (a) The awarding of reappointment or promotion shall be based on written criteria,
- 12 which are established by the University and developed by each department in
- 13 accordance to this Article.
- 14 (b) University Criteria. No later than January 15 of every even-numbered calendar
- 15 year, the University shall establish the general criteria for the granting of promotion
- 16 or reappointment, and provide that criteria to each department’s Division Director,
- 17 or Chair if no Division Director is present. If a category of reappointment or
- 18 promotion criteria is not in place for an upcoming review cycle where a candidate
- 19 may request reappointment or promotion, the criteria will be developed to support
- 20 that cycle.
- 21 (1) Promotion and reappointment criteria shall consider the performance of the
- 22 work that the professor has been assigned (as reflected in FARE forms),
- 23 criteria for each rank as set forth in the most recent, BOT-approved Faculty
- 24 Handbook, and the faculty member’s responsibilities as a member of the
- 25 University and department community.
- 26 (2) The University criteria shall broadly recognize and consist of the following:
- 27 a. Instruction, including regular classroom and laboratory teaching,
- 28 classroom development, effective development/application of new
- 29 instructional methods, directing thesis or dissertation committees,
- 30 and other instructional activities;

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- 1 **a.** The Committee shall consist of:
 - 2 **1.** the Vice Provost of Academic Affairs (or Provost-designee);
 - 3 **2.** Department Chair (or if Division/Department Director is
 - 4 present, Division director, or designee) of each respective
 - 5 department, and;
 - 6 **3.** two (2) faculty members from the department, at least one
 - 7 (1) holding the most senior rank in the department, subject
 - 8 to the limitations below in 6.10(d)(1)c).
- 9 **b.** In years during which the clarifications are reviewed, department
- 10 faculty shall select their two (2) representative faculty members
- 11 during the first week of the fall semester
- 12 **c.** Exceptions to Department Committee Membership.
 - 13 **1.** The Department Committee requires senior-ranking
 - 14 membership, followed by overall membership. If a
 - 15 department has three (3) or more senior-ranking faculty
 - 16 members, a senior-ranking faculty member that will be
 - 17 reviewed in the next academic year’s review cycle may not
 - 18 serve on the Department Committee.
 - 19 **2.** Similarly, if a department has more than ten (10) faculty
 - 20 members, a junior-ranking faculty member that will be
 - 21 reviewed for reappointment in the next academic year’s
 - 22 review cycle may not serve on the departmental committee.
 - 23 **3.** Faculty members that have resigned, received a notice of
 - 24 non-reappointment or notice of layoff, instructors, and
 - 25 visiting/adjunct faculty are not eligible to serve on the
 - 26 Department Committee or participate in the Department
 - 27 Committee selection process.
 - 28 **(I)** However, Instructors who have served in a full-time
 - 29 capacity for at least the most recent five (5)
 - 30 consecutive years are eligible to serve on or
 - 31 participate in the Department Committee selection
 - 32 process as it relates to the development of

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department-specific clarifications for instructors.

(2) Development of Department-Specific Clarifications.

- a.** The Provost shall provide a framework for department-specific clarifications and formally charge the Department Committee to develop and maintain written clarifications of the University’s reappointment and promotion criteria in terms aligned with the department’s discipline(s) and assigned duties, and consistent with University standards as established in the most recent BOT-approved version of the Faculty Handbook.
- b.** Upon receiving the University criteria and clarification framework, the Department Committee shall convene to develop clarifications of the University criteria consistent with the department disciplines in accordance with the procedures outlined herein.
- c.** The Department Committee shall complete its review and finalize the department clarifications within fifteen (15) days of receiving the University’s criteria.

(3) Department Faculty Vote. Within ten (10) days of the Committee finalizing the department clarifications, the department faculty shall conduct a confidential and anonymous vote on said clarifications.

- a.** Faculty that are in their terminal year of employment (as a result of non-reappointment, resignation, or layoff), visiting/adjunct faculty, and instructors are not eligible to vote on the clarifications. Instructors and Senior Instructors, however, are eligible to vote on the department-specific clarifications for instructors.
- b.** If a majority of a department’s faculty vote in favor of the proposed department clarifications, the department clarifications are forwarded to the Provost for review and approval.
- c.** If the majority of a department’s professors do not vote in favor of the proposed department clarifications, the Department Committee, shall reconsider the proposed clarifications prior to conducting a second vote.

1. The Department Committee shall have five (5) days to

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- 1 reconsider the proposed clarifications and conduct a second
 2 vote within five (5) days of finalizing the second round of
 3 department clarifications.
- 4 2. If the second vote is also unsuccessful, the proposed
 5 clarifications shall be forwarded to the Provost for approval,
 6 noting the lack of department faculty support.
- 7 3. If a vote does not occur within five (5) days of the
 8 Committee finalizing the department clarifications, the
 9 department clarifications shall be forwarded to the Provost
 10 for review, noting that no vote occurred.
- 11 (4) Provost Review. Within ten (10) days of receipt, the Provost shall review
 12 the proposed department clarifications to ensure compliance with this
 13 Agreement, the mission and goals of the University, and University
 14 standards as established in the most recent, BOT-approved version of the
 15 Faculty Handbook.
- 16 a. The Provost will either approve the proposed department
 17 clarifications, or return them to the Committee for reconsideration.
- 18 b. In the event the Provost returns the proposed department
 19 clarifications to the Committee for reconsideration, he/she shall
 20 provide objections to any such provision in writing.
- 21 (5) Committee Reconsideration. The Department Committee shall reconsider
 22 the Provost’s written objections and within ten (10) days after receiving
 23 them, shall resubmit the proposed written clarifications to the Provost,
 24 incorporating all, some, or none of the objections, along with a written
 25 explanation and justification for the resubmitted language.
- 26 (6) Provost Reconsideration, Revision and Adoption. The Provost shall
 27 reconsider the department clarifications and issue final revisions or
 28 approvals with a final adoption of the criteria within seven (7) days after
 29 receiving the revised department clarifications.
- 30 (e) Changes in Criteria for Reappointment and Promotion for Professors.
- 31 (1) Following the Provost’s approval adoption of the final criteria, the
 32 University may modify the approved University criteria for reappointment

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1 and promotion so long as the UFF has been notified of the proposed changes
2 and been offered an opportunity to discuss such changes in consultation
3 with the President or designee.

4 (2) Changes to discipline-specific departmental clarifications may only be
5 considered if changes to the University criteria have been made as described
6 in (e)(1). Such changes to discipline-specific criteria shall be developed and
7 approved according to the process outlined in 6.10(d)(2).

8 (f) **Access to Criteria.** The Reappointment and Promotion criteria shall be available
9 on the Provost’s webpage (<https://floridapoly.edu/provost/>) and/or at the written
10 request of any faculty member.

11 **6.11 Non-Reappointment of Faculty**

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

15 (b) **Reappointment or Promotion Review.** If a faculty member has participated in a
16 reappointment or promotion review and is not provided with an offer of
17 reappointment or promotion,

18 (1) a faculty member with a remaining contract term of more than one (1) year
19 will be provided written notice of non-reappointment, advising that the
20 existing contract will not be renewed with no right to continued
21 employment, or;

22 (2) a faculty member with a remaining contract term of less than one (1) year
23 will be provided a notice of non-reappointment that the existing contract
24 will not be renewed, and the University shall offer a terminal contract which
25 supersedes the existing contract and expires one (1) year from the date of
26 the written notice, with no right to continued employment.

27 (c) If a professor chooses not to participate in a reappointment review, or in the case of
28 an Assistant Professor, chooses not to participate in the promotion process, the
29 professor will be administratively non-reappointed and the professor’s employment
30 shall end on the last date of the professor’s existing contract.

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

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- 1 (e) Non-reappointed employees are not eligible to serve on departmental or university
- 2 committees without prior approval of the Provost.
- 3 (f) Payout option.
- 4 (1) At the time of or following issuance of a notice of non-reappointment to any
- 5 employee, the University may elect in its discretion to pay the employee for
- 6 all or a portion of the remaining term of the contract, as may be allowed
- 7 under Florida law.
- 8 (2) If the University elects this option, it will pay the employee an amount, less
- 9 withholding, equal to the salary for that portion of the remaining term of the
- 10 contract which the University is paying out, and the employee's
- 11 employment will terminate immediately.

12 **6.12 Assistant Librarians and Wellness Counselors.**

- 13 (a) Contract duration for appointments and reappointments are as follows:
- 14 (1) Assistant Librarian I & Wellness Counselor I.
- 15 a. Initial Contract Duration: two (2) years
- 16 b. Reappointment Contract Duration: two (2) years
- 17 c. Reappointment Cycle: two (2) years.
- 18 1. The University will review the Assistant Librarian I and
- 19 Wellness Counselor I during the second full spring term of
- 20 employment (or the first spring after four complete terms
- 21 depending on hire date) and thereafter in the fourth (4th)
- 22 semester of each contract cycle.
- 23 (2) Assistant Librarian II and Wellness Counselor II.
- 24 a. Initial Contract Duration: two (2) years
- 25 b. Reappointment Contract Duration: three (3) years
- 26 1. The University will review the Assistant Librarian II and
- 27 Wellness Counselor II during the second full spring term
- 28 after initial promotion and thereafter in the spring of the third
- 29 year of the reappointment contract.

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1 (b) Reappointment Review Requirements & Process

2 (1) Candidate Required Materials: Candidates for reappointment must provide
3 the following materials in their reappointment "packet."

- 4 a. The Employee Self-Review Worksheet provided by Human
5 Resources;
- 6 b. The candidate's previous performance reviews;
- 7 c. An updated curriculum vitae;
- 8 d. If other materials are used as part of the review, the candidate will
9 be informed of this information, and provided a minimum of five (5)
10 days to respond to the information.

11 (2) Reappointment Process.

- 12 a. Dates for reappointment notification and submission of materials to
13 Supervisor will coincide with those for Faculty.
- 14 b. Considerations for reappointment include:
 - 15 1. A review of goals, objectives, and accomplishments
16 achieved over the total review period.
 - 17 2. Specific goals, tasks, or assignments derived from annual or
18 periodic evaluations.
 - 19 3. Candidate's likelihood for continued success.
 - 20 4. Any additional criteria established via the process for
21 University Criteria for Reappointment and Promotion
22 established for faculty positions.
- 23 c. Decisions must be considered by the supervisor, the Provost, and the
24 Vice Provost of Student Affairs.
- 25 d. Upon request, the Provost will provide a written justification for the
26 reappointment decision.

27 (c) Promotion Procedure for Assistant Librarians & Wellness Counselors:

28 (1) Employees designated as Assistant Librarian I and Wellness Counselor I

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1 are not obligated to seek promotion, nor will they be penalized for not doing
2 so.

3 (2) Available Ranks for Promotion

- 4 a. Assistant Librarian I to Assistant Librarian II
- 5 b. Wellness Counselor I to Wellness Counselor II

6 (3) Eligibility for Promotion.

- 7 a. Minimum Duration of Employment: Employees must have served
8 at least 5 successful academic years at their current rank in a full-
9 time capacity, with an overall evaluation rating of "Meets
10 Expectation" for each of those years, in order to qualify for
11 consideration of the next highest rank.
- 12 b. Minimum Requirements: Employees must have been in a position
13 of continued employment and not have been given notice of non-
14 reappointment or termination, and not initially hired at a rank higher.

15 (4) Promotion Review Requirements & Process.

- 16 a. Candidate Required Materials: Candidates for reappointment must
17 provide the following materials in their reappointment "packet."
18 1. A personal statement addressing how the candidate fulfills
19 the responsibilities of the position and advances the mission
20 of the unit and the University.
21 2. The candidate's previous performance reviews (including
22 self-evaluations) and other evaluations since initial hire at
23 the University.
24 3. An updated curriculum vitae.
25 4. If other materials are used as part of the review, the candidate
26 will be informed of this information, and provided a
27 minimum of five (5) days to respond to the information.

28 (5) Promotion Process.

- 29 a. Dates for Promotion notification and submission of materials to
30 Supervisor will coincide with those for Faculty.

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- 1 **b. Considerations for Promotion include:**
- 2 1. A review of goals, objectives, and accomplishments
- 3 achieved over the total review period.
- 4 2. Specific goals, tasks, or assignments derived from annual or
- 5 periodic evaluations.
- 6 3. Candidate’s likelihood for continued success and
- 7 appropriate contribution on institutional initiatives.
- 8 4. Any additional criteria established via the process for
- 9 University Criteria for Reappointment and Promotion
- 10 established for faculty positions.
- 11 **c. Promotion Decisions**
- 12 1. May include inputs from relevant campus stakeholders, such
- 13 as students, faculty, and other staff.
- 14 2. Must be considered by the supervisor, the Provost, and the
- 15 Vice Provost of Student Affairs.
- 16 3. Upon request, the Provost will provide a written justification
- 17 for the promotion decision.
- 18 **(d) Non-Reappointment.**
- 19 **(1)** Employees on multi-year appointments cannot be terminated during the
- 20 contract period except for just cause, layoff, or termination of the funding
- 21 source in the case of soft money appointments.
- 22 **(2)** Non-Reappointment at Reappointment or Promotion Review: If an
- 23 employee has participated in a reappointment or promotion review and is
- 24 not provided with an offer of reappointment or promotion, that employee
- 25 shall receive a terminal, 6-month contract that supersedes any existing
- 26 contracts.
- 27 **(3)** Non-reappointed employees are not eligible to receive any salary increases
- 28 or bonuses during the notice period.
- 29 **(4)** Non-reappointed employees are not eligible to serve on departmental or

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university committees without prior approval of the Provost.

(5) Payout option.

a. At the time of or following issuance of a notice of non-reappointment to any employee, the University may elect in its discretion to pay the employee for all or a portion of the remaining term of the terminal contract, as may be allowed under Florida law.

b. If the University elects this option, it will pay the employee an amount, less withholding, equal to the salary for that portion of the remaining term of the contract which the University is paying out, and the employee’s employment will terminate immediately.

6.13 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 solely because of an alleged violation of a specific term of the Agreement or because of an alleged violation of the employee’s constitutional rights.

(c) For the purposes of a grievance about a faculty reappointment or promotion decision, the scope of materials relied upon the denial of a candidate’s reappointment or promotion is limited to the Candidate’s packet, the DEP report and recommendation, the UEC report and recommendation, and the Provost’s recommendation. The University may not subsequently introduce new grounds for that denial during the grievance process nor may it assert that there are other, unwritten grounds for that denial.

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

(e) Such grievances must be filed within thirty (30) days of the Candidate’s receipt of the denial of promotion or reappointment from the President as described in 6.8(e)(3) or the President’s denial of an appeal as described in Section 6.8(d)(2)c.4.

(f) Reports and recommendations from the DEP, UEC, and Provost shall be available for arbitration proceedings consistent with the requirements described in Florida

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1 Polytechnic University Rule 6C13-6.008.

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