

**Florida Agricultural and Mechanical University
Board of Trustees**



**Governance Committee
Monday, February 20, 2017
Time: 8:30 a.m.**

Committee Members: Gary McCoy, Chair
Trustees Mills, Moore, Perry, and Washington

AGENDA

- I. Call to Order Trustee McCoy
- II. Roll Call Linda Barge-Miles, Board Liaison

ACTION ITEM

- III. Approval of Collective Bargaining Agreements Trustee McCoy
Shira Thomas, Acting General Counsel
- VIII. Adjournment



**Florida Agricultural and Mechanical University
Board of Trustees
ACTION ITEM**

Governance Committee

Date: February 20, 2017

Agenda Item: UFF Collective Bargaining Agreement

Item Origination and Authorization

Policy _____ Award of Bid _____ Budget Amendment _____ Change Order _____
 Resolution _____ Contract _____ Grant _____ Other XX _____

Action of Board

Approved _____ Approved w/ Conditions _____ Disapproved _____ Continued _____ Withdrawn _____

Subject: Ratification of Collective Bargaining Agreement between FAMU Board of Trustees and the United Faculty of Florida

Rationale: Florida Agricultural and Mechanical University and the United Faculty of Florida's Chapter at Florida Agricultural and Mechanical University have reached a tentative agreement regarding Articles 10, 14, 15, and 23. The tentative agreement includes in part:

- Wage increase of 2% recurring to the base
- Prorated 2% non-recurring beginning with the 2016-2017 Academic Year through March 9, 2017, one-time payment payable March 31, 2017
- Non-recurring \$1,500 bonus
- Promotion increase to 12% (associate) and 15% (full) respectively
- The Board may modify the tenure and/or promotion criteria so long as the local UFF Chapter has been notified of the proposed changes and offered an opportunity to impact bargain
- Amended procedures for merit evaluations

Attachments: Articles 10, 14, 15, and 23 of the Agreement (negotiated articles)

Recommendation: Approval of Collective Bargaining Agreement

UFF

UFF Proposal – 7 June 2016, 8 July 2016 August 5, 2016

FAMU Proposal – 24 May 2016

FAMU - UFF – August 22, 2015

ARTICLE 10 FACULTY MEMBER PERFORMANCE EVALUATIONS

10.1 Policy

The University community is committed to ensuring excellence in teaching, research and creative activity and service. Our performance evaluation and development process assists faculty members and supervisors in setting goals, engaging in professional development activities and measuring and rewarding success. The process articulates individual goals and achievement in the context of the overall mission of the institution. The University community is committed to individual and collective responsibility of the success of the institution by articulating goals, fostering open dialogue and constructive feedback, emphasizing quality performance, and supporting professional development.

The objective of good teaching is student learning. Good teaching is necessary at any land-grant university. All faculty members of the university community are accountable for the learning of their students. Faculty members being evaluated are responsible for providing the evidence to support their evaluation with respect to both quality and quantity of teaching. Supervisors will be trained and evaluated to enable them to evaluate faculty in a fair and objective manner. The elements of effective teaching are organization and planning, course content, teaching strategies and methodology, classroom demeanor, including faculty and student punctuality and attendance, planning, design, use and grading of projects, assignments and exams, and the appropriateness of student evaluations and accessibility.

(a) Annual Evaluations: The purpose of the annual evaluation is to assess and communicate the nature and extent of a faculty member's performance of assigned duties consistent with the criteria specified in Section 10.4. The performance of all faculty members, other than those who have received notice of non-reappointment under Section 12.2 or those not entitled to receive notice of non-reappointment under Section 12.2 shall be evaluated at least once annually and they shall be advised of the academic term during which such evaluation will be made. Personnel decisions shall take such annual evaluations into account, provided that such decisions need not be based solely on written faculty member performance evaluations.

(b) Sustained Performance Evaluations: In addition to the annual performance evaluations, tenured faculty members shall receive a sustained performance evaluation once every seven years following the award of tenure or their most recent promotion. The purpose of this evaluation is to document sustained performance during the previous six years of post-tenure assigned duties and to encourage continued professional growth and development.

10.2 Sources and Methods of Evaluation

(a) In preparing the annual evaluation, the person(s) responsible for evaluating the faculty may consider, where appropriate, information from the following sources: immediate supervisor, peers, students, faculty member /self, other university officials who have responsibility for supervision of the faculty member, and individuals to whom the faculty member may be responsible in the course of a service assignment, including public school officials when an faculty member has a service assignment to the public schools.

(b) Observation/Visitation: The faculty member, if assigned teaching duties, shall be notified at least two (2) weeks in advance of the date, time, and place of any direct classroom observation or visitation made in connection with ~~the~~ the faculty member's annual evaluation. If the faculty member determines that this date is not appropriate because of the scheduled class activities the faculty member may suggest a more appropriate date. Alternatively, if such classroom observation or visitation will be made ~~the~~ the faculty member shall be notified at least two (2) weeks in advance of the period (for example, a semester) over which no less than ~~two (2) observations will be made. Direct classroom observations shall not occur during the last 21 (four) two (2) weeks of the semester, nor the week before or the week after spring break.~~

10.3 Procedures for Annual Evaluation

(a) The proposed written annual evaluation, including ~~the~~ the faculty member's annual assignment which was furnished pursuant to Section 9.3, shall be provided to

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~~the faculty~~ the faculty member within thirty (30) days after the end of the academic term during which such evaluation will be made. The faculty member shall be offered the opportunity to discuss the evaluation with the evaluator prior to it being finalized and placed in the faculty members' evaluation file. The evaluation shall be signed and dated by the person performing the evaluation, and by the person being evaluated who may attach a concise comment to the evaluation. A copy of the evaluation shall be provided to the faculty member. The faculty member ~~may~~ ~~arrange~~ ~~to~~ ~~meet~~ ~~in~~ ~~writing~~ a meeting with an administrator at the next higher level to discuss concerns regarding the evaluation which were not resolved in previous discussions with the evaluator.

(b) The University department/unit shall develop and maintain procedures by which to evaluate each faculty member according to criteria specified in Section 10.4. These procedures will include the method for the distribution of salary increase funds specified in Section 23.6 based on said annual evaluation. ~~The faculty~~ The faculty of each department/unit, who are eligible to vote in department/unit governance, shall participate in the development of these procedures and shall recommend implementation by vote of a majority of at least a quorum of those faculty members.

1. The proposed procedures or revisions thereof shall be reviewed by the President or representative ~~or representative to ensure that they are~~ ~~representative to ensure that they are~~ ~~consistent~~ consistent with the mission and goals of the University and that they comply with this agreement.

2. If the president or representative determines that the recommended procedures do not meet the conditions in Section 10.3(b) ~~above~~ ~~above~~, the proposal shall be referred to the department/unit for revision with a written statement of reasons for non-approval. No merit salary increase funds shall be provided to a department/unit until its procedures have been approved by the President or representative.

3. Approved procedures and revisions thereof shall be kept on file in the department/unit office. Faculty members in each department/unit shall be provided a copy of that department's/unit's current procedures for annual evaluation.

(c) The University is committed to providing assistance to any faculty member seeking improvement of his/her assignment performance. Therefore, upon written request from the faculty member, the persons responsible for supervising and evaluating a faculty member shall endeavor to assist the faculty member in correcting any major performance deficiencies reflected in the faculty member's annual evaluation. A faculty member receiving an unsatisfactory annual evaluation in any area shall be responsible to demonstrate improvement in the area found to be unsatisfactory.

~~(d) The University will~~ ~~and~~ ~~training~~ ~~and~~ ~~development~~ ~~of~~ ~~the~~ ~~evaluation~~ ~~process~~ ~~During~~ ~~the~~ ~~2016-17~~ ~~year~~ ~~will~~ ~~be~~ ~~committed~~ ~~to~~ ~~training~~ ~~and~~ ~~development~~ ~~of~~ ~~the~~ ~~evaluation~~ ~~process~~.

10.5 Sustained Performance Evaluations

~~(a) Tenured faculty members shall receive a sustained performance evaluation once every seven years following the award of tenure or their most recent promotion, whichever is most recent. The purpose of this evaluation is to document sustained performance during the previous six years of assigned duties and to encourage continued professional growth and development.~~

~~(b) The sustained performance evaluation program shall provide that:~~

~~(1) Only elected faculty members may participate in the development of applicable procedures. Such procedures shall ensure involvement of both peers and administrators at the department and higher levels in the evaluation and shall ensure that a faculty member may attach a concise response to the evaluation.~~

~~(2) The proposed procedures for the sustained performance evaluation shall be available to faculty members and to the U-F for review prior to final approval.~~

~~(c) Faculty members' Annual Evaluation Summary Form along with attachments, including the documents contained in the evaluation file, shall be the sole basis for the sustained performance evaluation.~~

~~(1) A faculty member who received "Meets High Expectations" or better as an Overall result on her or his Annual Evaluation Summary Form during the previous six years shall not be rated below "Meets High Expectations" in the sustained performance evaluation, nor subject to a PIP. Faculty whose performance falls below "Meets High Expectations" in more than two of the previous six evaluations shall develop a performance improvement plan, as specified in 10.6.~~

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10.6 Performance Improvement Plan

A performance improvement plan shall be developed for those faculty members whose members whose performance—performance—identified is—through identified— shall be identified as being consistently below satisfactory in one or more areas—of areas— assigned duties and objectives. The performance improvement plan shall be developed by the faculty member in concert with his/her supervisor, and include specific performance targets and a time period for achieving the targets. The performance improvement plan shall be approved by the the Chair or the Dean, President, or his or her representative. Specific resources identified in an approved performance improvement plan shall be provided by the University. The supervisor shall meet periodically with the faculty member to review progress toward meeting the performance targets. It is the responsibility of the faculty member to attain the performance targets specified in the performance improvement plan.

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10.7 Criteria The annual performance evaluation shall be based upon assigned duties, and shall carefully consider the nature of the assignments, in terms, where applicable, of

(a) Teaching effectiveness ~~including including effectiveness in effectiveness in~~ **presenting— knowledge, presenting, knowledge,** information, and ideas by means or methods such as lecture, discussion, assignment when consideration of a portfolio submitted for meritorious performance, salary and recitation, demonstration, laboratory exercise, practical experience, and direct consultation with students. The evaluation shall include consideration of effectiveness in imparting knowledge and skills, and effectiveness in stimulating students' critical thinking and/or creative abilities, the development or revision of curriculum and course structure, and adherence to accepted standards of professional behavior in meeting responsibilities to students. The evaluator may take into account class notes, syllabi, student exams and assignments, and any other materials relevant to the faculty member's teaching assignment. The teaching evaluation must take into account any relevant materials submitted by the faculty member, including the results of peer evaluations of teaching, and may not be based solely on student evaluations when this additional information has been made available to the evaluator.

(b) Contribution to the discovery of new knowledge, development of new educational techniques, and other forms of creative activity. Evidence of research and other creative activity shall include, but not be limited to, published books, articles and papers in professional journals, musical compositions, paintings, sculpture, works of performing art, papers presented at meetings of professional societies, and research and creative activity that has not yet resulted in publication, display, or performance.

The evaluation shall include consideration of the faculty member's productivity including the quality and quantity of what has been done during the year, and of the faculty member's research and other creative programs and contributions, and recognition by the academic or professional community of what is done.

(c) Public service that extends professional or discipline-related contributions to the community, the State, including public schools, and the national and international community. This public service includes contributions to scholarly and professional organizations and governmental boards, agencies, and commissions that are beneficial to such groups and individuals.

(d) Participation in the governance ~~and other~~ **workings** ~~of~~ **institution; he** and other ~~service~~ **through** significant service on committees, councils, and senates, beyond that associated with the expected responsibility to participate in the governance of the institution through participation in regular departmental or college meetings.

(e) Other assigned University duties, such as advising, counseling, supervision of interns, and academic administration, or as described in a Position Description, if any, of the position held by the faculty member.

10.7 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral English language skills unless proved deficient in accordance with the appropriate procedures and examinations established by Section 1012.93, Florida Statutes, and State Board of Education rule, for

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testing such deficiency

(a) Faculty involved in classroom instruction other than in courses conducted primarily in a foreign language found by their supervisor as part of the annual evaluation to be potentially deficient in English oral language skills shall be tested in accordance with appropriate procedures and examinations established by statute and rule cited above for testing such skills. No reference to an alleged deficiency shall appear in the annual evaluation or in the personnel file of a faculty member who achieves a satisfactory examination score determining proficiency in oral English as specified in the rule (currently "50" or above on the Test of Spoken English).

(b) Faculty who score at a specified level on an examination established by statute and rule cited above for testing oral English language skills ("45" on the Test of Spoken English) may continue to be involved in classroom instruction up to one (1) semester while enrolled in appropriate English language instruction as described in paragraph (d) below provided the appropriate administrator determines that the quality of instruction will not suffer. Only such faculty members who demonstrate, on a basis of examinations established by statute and rule that they are no longer deficient in oral English language skills may be involved in classroom instruction beyond one (1) semester.

(c) Faculty who score below a minimum score on an examination established by statute and rule for determining proficiency in oral English (currently "45" on the Test of Spoken English) shall be assigned appropriate non-classroom duties for the period of oral English language instruction provided by the University under paragraph (d) below unless during the period of instruction the faculty member is found on the basis of an examination specified above to be no longer deficient in oral English language skills. In that instance, the faculty member will again be eligible for assignment to classroom instructional duties and shall not be disadvantaged by the fact of having been determined to be deficient in oral English language skills.

(d) It is the responsibility of each faculty member who is found as part of the annual evaluation to be deficient in oral English language skills by virtue of scoring below the satisfactory score on an examination established by statute and rule for determining such proficiency (see paragraph 10.5(a)) to take appropriate actions to correct ~~these deficiencies~~ these deficiencies. ~~To assist in assisting faculty in membership matters, the University shall provide appropriate oral English language instruction without cost to such faculty members for a period consistent with their length of appointment and not to exceed two (2) consecutive semesters. The time the faculty member spends in such instruction shall not be considered part of the individual assignment or time worked nor shall the faculty member be disadvantaged by the fact of participation in such instruction.~~

(e) If ~~the University~~ determines as part of the annual evaluation that one (1) or more administrations of a test to determine proficiency in oral English language skills is necessary in accordance with the statute and rule and this section, the University shall pay the expenses for up to two (2) administrations of the test. The faculty member shall pay for additional testing that may be necessary.

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

10.9 Merit Evaluations.

(a) The determination of meritorious performance for the distribution of funds allocated for merit-based salary increases pursuant to Article 23 shall be according to each department/unit's faculty evaluation criteria and procedures developed pursuant to this section, which must be consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty members will be reviewed for merit.

(b) These criteria and procedures may include any refinements of the methods for the distribution of salary increase funds that are permitted by Article 23 and are based on the annual performance evaluation.

(c) Merit distribution criteria must

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(1) Define **meritorious** performance as performance that meets or exceeds the expectations for the position classification and department/unit— performance that substantially exceeds expectations exceeds expectations meet expectations does not meet expectation or substantially does not meet expectations for the position classification and department/unit.

(2) Not mandate a merit pay award for all members of the department/unit.

(3) Establish distinctive levels of merit reflecting the differences in performance.

(d) Merit distribution plans are subject to the approval of the department chair (or in non-departmentalized units, the dean). If the chair makes any changes to the merit distribution plan proposed by a faculty evaluation committee, she/he shall report such changes to the faculty evaluation committee, if there is such a body. The original merit distribution plan along with any recommendations by the chair shall be submitted to the dean and the provost. The dean and the provost provide final approval of merit distribution plans. Any changes at this level to the merit distribution plan shall be reported to the chair by the dean's office, and the chair will inform the faculty evaluation committee, if there is such a body.

10.10 Provision for Appeal

(a) If a faculty member is dissatisfied with an evaluation, including the determination of failure to successfully complete a PIP Summary, the faculty member may register his or her disagreement in writing.

(b) In addition, if the faculty member is not satisfied with an evaluation, he or she may present his or her request for review in writing to the appropriate reviewer within thirty (30) days after being informed of the evaluation. The reviewer, like the evaluator, shall have complete freedom of action, consistent with this Agreement, in seeking to settle or resolve differences concerning evaluations and presumably his or her efforts will be largely conciliatory. The reviewer shall meet with the faculty member to discuss the request within fifteen (15) days of receipt of the written request for review. Within fifteen (15) days of receipt of the written request, the reviewer shall reach a decision and report it to the faculty member.

(c) If the faculty member is not satisfied with the reviewer's decision, the faculty member may request in writing a review from the Dean of the College within fifteen (15) days after the reviewer's decision. Within fifteen (15) days of receipt of the written request, the Dean of the College shall meet with the faculty member to discuss the request. Within fifteen (15) days of receipt of the written request, the Dean of the College shall reach a decision and report it to the faculty member.

(d) An appeal of the decision of the Dean of the College may be made to the Provost and Vice President for Academic Affairs. Such a request for review shall be made in writing within fifteen (15) days after the Vice President for Academic Affairs decision. Within fifteen (15) days of the receipt of the written request, the Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty member.

Merit Performance Evaluation Instrument

10.XX Merit Performance

Meritorious performance is the outstanding contribution to the academic world based on the discipline specific judgments of academic peers on the quality and originality of scholarship or creative activity, teaching effectiveness, and excellent participation in professional and public service. The goal of the FAMU Meritorious Performance Salary Increase Plan ("MPSIP" or "MPSI Plan") is to reward faculty for their contributions in teaching, scholarship or creative activity and professional service.

(a) Meritorious performance salary increases are separate and independent from legislative or state-wide administrative adjustments to salary.

(b) Meritorious performance salary increases are subject to the availability of funds and may not be available every year. Availability is determined by the Administration [JM2].

10.XX Eligibility Criteria

a) Meritorious performance salary increases shall only be awarded for performance that

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~~exceeds and far exceeds that which is required, expected and appropriate to the faculty role.~~

- ~~b) MPSIP will be open to tenured faculty with the rank of Associate or Full Professor. Exceptions to this general rule may be considered by the Provost upon recommendation of the responsible Dean upon demonstration of extraordinary circumstances.~~
- ~~c) Faculty members on leave at the time of consideration will be not be eligible for consideration under the MPSIP. Exceptions to this general rule may be considered by the Provost upon recommendation of the responsible Dean upon demonstration of extraordinary circumstances.~~

~~10.XX Procedures~~

~~Merit Performance Salary Increase-Merit pay pools will be determined for each college or school by the Provost, and within each college or school for each academic unit by the deans in consultation with the Provost.~~

- ~~a) The availability of merit pay funds will be announced to faculty to ensure full participation in the process laid out in the MPSIP.~~
- ~~b) Consistent with the understanding that MPSIP is reserved to those faculty members whose performance far exceeds that expected, ordinarily no more than 25% of the eligible faculty members in a school or college will be awarded meritorious performance salary increases in a given merit pay cycle.~~
- ~~c) Each unit shall develop a Unit MPSI Plan that takes into account the disciplines that characterize their academic unit. Each Unit MPSI Plan must identify and clearly weight the criteria for meritorious performance for the academic discipline.
 - ~~1. The Unit MPSIP may include cumulative assessment of the candidate's annual evaluations and sustained performance evaluations, but the weight allocated to this factor in the overall Unit MPSIP may not exceed 35%. At least 65% of the assessment should be based on the criteria for meritorious performance for the discipline set by the Unit MPSIP.~~
 - ~~2. The Unit MPSIP must clearly identify the role of quality in assessment of the portfolios of faculty members considered for meritorious performance salary increases.~~
 - ~~3. The Unit MPSIP must also identify distinctions of excellence related to teaching, scholarly or creative activity and professional service relevant to the discipline,¹ and to the extent possible, quantify targets of excellence.²~~
 - ~~4. Ordinarily, the consideration of distribution of any available funds in a merit pool will occur in the fall at the conclusion of the budgeting process and will be based on Unit MPSI Plans implemented or updated the prior academic year.~~~~

- ~~(+) d) A recommendation for a meritorious pay increase must be made to the dean. A recommendation may be made by:
 - ~~1. The Unit Chair;~~
 - ~~2. By the Unit Tenure and Promotion Committee, based upon an application by the faculty member; or~~
 - ~~3. By the dean on his or her own motion.~~~~
- ~~e) If the Unit Tenure and Promotion Committee considers a faculty application for meritorious pay increase, any member of the unit or collegiate tenure and promotion committee must refuse herself or himself from review of her or his own portfolio being considered for meritorious performance salary increase or~~

¹ Examples of distinctions of excellence include university-wide teaching awards, special recognitions of excellence by professional organizations, scholarly distinctions such as Fulbright Fellowships, publication of scholarly works in premier journals, publication of a scholarly book, distinction in sponsored research.

² An example of a target of excellence would be "publish two scholarly works in premier peer-reviewed journals over three years."

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increase would otherwise violate conflict of interest policies.

f) ~~A recommendation for meritorious pay increase made by the unit's chair or tenure and promotion committee is subject to review by the Dean of the school~~

~~or college.~~

g) ~~The recommendation for a merit pay increase should indicate whether each candidate is "highly deserving" or "deserving" of a meritorious pay salary increase, or "not deserving at this time." Unit and collegiate recommendations should not include award amounts. The Dean in his or her recommendation to the Provost should include recommendations of the dollar amount that should be awarded to each candidate faculty member.~~

h) ~~The Provost will review and provide final approval on all unit merit pay distribution recommendations.~~

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ARTICLE 14 PROMOTION PROCEDURE

14.1 Policy.

(a) Promotion decisions are not merely a totaling of a faculty member's annual performance evaluations. Rather, the University, through faculty, professional employees, and administrators, assesses the faculty member's potential for growth and scholarly contribution, as well as part meritorious performance. Established promotion criteria should be objectively and consistently applied to all seeking promotion.

(b) Upon annual written request beginning with the second year of employment, a faculty member eligible for consideration for promotion shall be apprised of their progress toward promotion. The appraisal shall be included as a separate component of the annual evaluation and is intended to provide assistance and counseling to faculty members to help them to qualify themselves for promotion. The faculty member may request, in writing, a meeting with an administrator at the next higher level to discuss concerns regarding the promotion appraisal which were not resolved in previous discussions with the evaluator. The appraisals are not binding upon the university.

14.2 Criteria.

(a) Promotion decisions shall be a result of meritorious performance of assigned duties pursuant to Article 10.3 and other established criteria specified in writing by the Board or the University. The Board and the University may modify these criteria so long as the local UFF Chapter has been notified of the proposed changes and offered an opportunity to ~~impact bargain. discuss such changes in consultation with the President or representative.~~ Changes in criteria shall not become effective until one (1) year following adoption of the changes, unless mutually agreed to in writing by the local UFF President and the Board or University. The date of adoption shall be the date on which the changes are approved by the administrator at the highest level required under applicable policies and procedures. Any proposal to develop or modify promotion criteria shall be available for discussion by members of the affected departments/units before adoption.

(b) The University is encouraged to review its promotion criteria at the university, college/school, or department/unit level to ensure that such criteria are consistent with each other and that they conform with the mission of the University and its various academic units.

(c) Promotion criteria shall be available in the department/unit office and or at the college/unit level.

14.3 Procedures.

(a) Recommendations for promotion shall begin with the faculty member's supervisor and shall be submitted to the appropriate officials for review. Faculty desiring to be considered for promotion may also initiate the process by nominating themselves. Prior to the consideration of the faculty member's promotion, the faculty member shall have the right to review the contents of the promotion file and may attach a brief and concise response to any material therein. It shall be the responsibility of the faculty to see that the file is complete. The provisions of Section 11.2 through 11.8 of this Agreement, regarding access to the evaluation file, shall apply also to the contents of the promotion file. If any material is added to, deleted from, or changed in the file by anyone other than the nominee after the commencement of consideration, a copy shall be sent to the faculty member within five (5)

Michael Mattimore
Chief Negotiator - FAMU-BOT
January 19, 2017
Date

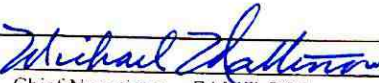
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Chief Negotiator - UFF
Jan 19, 2017
Date

days (by personal delivery or by mail, return receipt requested). The faculty member may attach a brief response within five (5) days of his/her receipt of the added material. The file shall not be forwarded until either the faculty member submits a response or until the second five (5) day period expires, whichever occurs first.

(b) Recommendations for promotion shall include a copy of applicable promotion criteria, the faculty member's annual assignments and annual evaluations, and, if the chooses, the faculty member's promotion appraisals. The reviewers at any stage in the review may request to review the appraisals.

14.4 Notice of Denial.

If any faculty member is denied promotion, the faculty member shall be notified in writing by the appropriate administrative official, within ten (10) days or as soon as possible thereafter, of that decision. Upon written request by a faculty member within twenty (20) days of the faculty member's receipt of such decision, the university shall provide the faculty member with a written statement of reasons by the President or representative.

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|  _____ Chief Negotiator - FAMU-BOT | _____ Chief Negotiator - UFF |
| <i>January 19, 2017</i> _____ Date | _____ Date |

**ARTICLE 15
TENURE**

15.1 Eligibility:

Faculty members with the rank of Assistant Professor, Associate Professor, Professor, and other faculty members the Board may designate (such as Assistant Librarians, and Associate Librarians), shall be eligible for tenure. The university may, by rule, make Assistant Professors ineligible for tenure. The universities' rule-making power to make Assistant Professors ineligible for tenure shall apply only to faculty members appointed after January 1, 1982. Other faculty members shall be governed by the agreement in force at the time of their original appointment. The Board may designate other positions as tenure earning and shall notify the faculty member of such status at the time of initial appointment. Tenure shall be in a department/unit or other appropriate administrative unit. Tenure shall not extend to administrative appointments in the General Faculty or Administrative and Professional classification plans.

15.2 Tenure Decision:

(a) A faculty member shall normally be considered for tenure during the sixth year of continuous service in a tenure-earning position including any prior service credit granted at the time of initial employment. A faculty member's written request for early tenure consideration is subject to the university's written agreement.

(b) By the end of six (6) years of service at the university, a faculty member eligible for tenure shall either be awarded tenure by the Board or given notice that further employment will not be offered. Upon written request by a faculty member within twenty (20) days of the faculty member's receipt of such notice, the university shall provide the faculty member with a written statement of reasons by the President or provide the faculty member with a written statement of reasons by the President or representative why tenure was not granted.

(c) Decision by the Board. The Board shall award tenure. This decision shall normally be made at the May Board Meeting but no later than the following meeting. The faculty member shall be notified in writing by the President or representative within five (5) days of the decision of the Board.

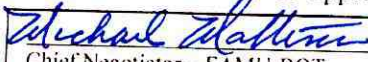
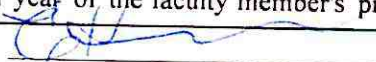
(d) A faculty member being considered for tenure prior to the sixth (6) year may withdraw from consideration on or before March 15 without prejudice.

15.3 Criteria for Tenure:

(a) The decision to award tenure to a faculty member shall be a result of meritorious performance and shall be based on established criteria specified in writing by the Board and the universities. The decision shall take into account the following:

- (1) annual performance evaluations;
- (2) the needs of the department/unit, college/unit, and university;
- (3) the contributions of the faculty member to the faculty members' academic unit (program, department/unit, college/unit); and
- (4) the contributions the faculty member is expected to make to the institution.

(b) The university shall give a copy of the criteria for tenure to faculty member eligible for tenure, and each such shall be apprised in writing once each year of the faculty member's progress toward

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|  Chief Negotiator - FAMU-BOT |  Chief Negotiator - UFF |
| January 19, 2017 Date | Jan 19, 2017 Date |

tenure. The appraisal shall be included as a separate component of the annual evaluation and is intended to provide assistance and counseling to candidates to help them to qualify themselves for tenure. The faculty member may request, in writing, a meeting with an administrator at the next higher level to discuss concerns regarding the tenure appraisal which were not resolved in previous discussions with the evaluator. The appraisals are not binding upon the university.

(c) Tenure criteria shall be available in the department/unit office and/or at the college/unit level.

15.4 Modification of Criteria:

(a) Modifying Criteria. The Board may modify the criteria for tenure so long as the local UFF Chapter has been notified of the proposed changes and offered an opportunity to ~~impact bargain, discuss such changes in consultation with the university President or representative.~~ Changes in criteria shall not become effective until one (1) year following adoption of the changes, unless mutually agreed to in writing by the local UFF President and the university President or representative. The date of adoption shall be the date on which the changes are approved by the administrator at the highest level required under applicable university policies and procedures. Any proposal to develop or modify tenure criteria shall be available for discussion by members of the affected departments/units before adoption.

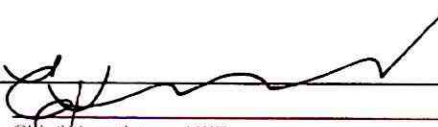
(b) Effect on Faculty members. The provisions of Section 9.3(d) are applicable to the modified criteria. Further, if a faculty member has at least three (3) years of tenure-earning credit as of the date on which the tenure criteria are adopted under Section 15.4(a), above, the faculty member shall be evaluated for tenure under the criteria as they existed prior to modification unless the faculty member notified the university at least thirty (30) days prior to commencement of the tenure consideration that he/she chooses to be evaluated under the newly-adopted criteria.

15.5 Recommendations and Procedures

(a) Recommendations for the awarding of tenure shall be made by the faculty member's supervisor and shall include a poll by secret ballot of the tenured members of the faculty member's department unit. The performance of a faculty member during the entire term of employment at the institution shall be considered in determining whether to grant tenure. Recommendations regarding tenure shall include a copy of applicable tenure criteria, the faculty member's annual assignments and annual evaluations, and, if the faculty member chooses, the faculty member's tenure appraisals. The reviewers at any stage in the review may request to review the appraisals. Prior to the consideration of the faculty member's candidacy, the faculty member shall have the right to review the contents of the tenure file and may attach a brief and concise response to any materials therein. It shall be the responsibility of the faculty member to see that the file is complete. The provisions of Sections 11.2 through 11.8 of this Agreement shall apply to the contents of the tenure file.

(b) If any material is added to the file after the commencement of consideration, a copy shall be sent to the faculty member within five (5) days (by personal delivery or by mail, return receipt requested). The faculty member may attach a brief response within five (5) days of his/her receipt of the added material. The file shall not be forwarded until either the faculty member submits a response or until the second five (5) day period expires, whichever occurs first. The only documents which may be considered in making a tenure recommendation are those contained or referenced in the tenure file.


Chief Negotiator – FAMU-BOT
January 19, 2017
Date


Chief Negotiator - UFF
June 19, 2017
Date

15.6 Other Considerations.

(a) During the period of tenure-earning service, the faculty member's employment shall be governed by the provisions of Article 12.

(b) Part-time service of a faculty member employed at least one semester in any twelve (12) month period shall be accumulated. For example, two (2) semesters of half-time service shall be considered one-half year of service toward the period of tenure-earning service.

(c) Where faculty members are credited with tenure-earning service at the time of initial appointment, all or a portion of such credit may be withdrawn once by the faculty member prior to formal application for tenure.

15.7 Transfer of Tenure:

(a) A tenured faculty member may seek a transfer with tenure through the normal hiring process within the University to a vacant position in the same or similar discipline. The President or Provost may approve the transfer at her or his discretion and may consider any discrepancies in the tenure criteria in approving the transfer.

(b) When a tenured faculty member is transferred as a result of a reorganization or program curtailment within the University and is employed in the same or similar discipline in which tenure was granted, the faculty member's tenure shall be transferred to the new department.

15.8 Tenure upon appointment.

Tenure may be granted to a faculty member by the Board at the time of initial appointment, upon recommendation of the appropriate administrator. The administrator shall consider the recommendation of the department or equivalent unit prior to making his/her final tenure recommendation.

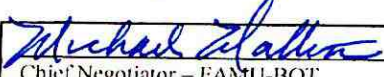

15.9 Leave.

Authorized leaves of absence may, under the provisions of Article 17, Leaves, be credited toward the period of tenure-earning service.

15.10 Termination/Layoff.

Tenure/permanent status guarantees annual reappointment for the academic year until voluntary resignation, retirement, removal for just cause in accordance with the provisions of Article 16, Disciplinary Action and Job Abandonment, or layoff in accordance with the provisions of Article 13, Layoff and Recall, but does not extend to administrative appointments.

(d) Department Chairs Division Directors and higher administrators may not be faculty representatives to the University wide tenure and Promotion Committee. *mm* *EMD*

| | |
|--|--|
|  Chief Negotiator – FAMU-BOT |  Chief Negotiator - UFF |
| <u>January 19, 2017</u> Date | <u>Jan 19, 2017</u> Date |

Article 23
SALARIES

23.1 General Wage Increases. The board shall provide the following wage increases to the eligible members of the bargaining unit.

- (a) All eligible UFF bargaining unit members shall receive a two percent (2%) across the board wage increase to their base salary. Contracts will be revised for the pay period March 10, 2017 through March 23, 2017 and payable on March 31, 2017.
- (b) All eligible UFF bargaining unit members shall receive a non-recurring one-time lump sum prorated payment of two percent (2%) of their base salary for the period: start of the 2016-2017 academic year through March 9, 2017. This non-recurring prorated payment is payable on March 31, 2017.
- (c) All eligible UFF bargaining unit members shall receive a non-recurring one-time bonus in the amount of one thousand five hundred dollars (\$1,500) payable on March 31, 2017.

23.2 Eligibility for Annual Salary Increases. Faculty members whose most recent annual evaluation is at least satisfactory and who were in pay status on May 1, 2016, or before through the date of the wage increase, are eligible for the increases described in Section 23.1 except that employees who have been issued a notice of non-reappointment pursuant to Section 12.2 are not eligible for such increases. "Satisfactory" with respect to annual evaluations is when a majority of the employee's assigned duties are evaluated as "Satisfactory".

23.3 Wage Increases Upon Promotion. Promotion increases shall be granted to employees pursuant to Article 14. These increases shall be granted in an amount equal to 12% of the employee's previous year's base salary rate in recognition of promotion to one of the ranks described below:

For those promoted from assistant to associate Professor, Research Associate, Associate Curator, Associate Scholar/Scientist to 12%.

These increases shall be granted in an amount equal to 15% of the employee's previous year's salary rate in recognition of promotion to one of the ranks described below:

For those promoted from associate to Professor, Curator, Scholar/Engineer and University librarian to 15%.

Employees who were promoted in 2015 – 2016 and awarded a 2016 – 2017 promotional increase will have their increases adjusted upward to the amounts stated above, effective at the beginning of the academic term in August 2017.

23.4 Administrative Discretionary Increases. Nothing contained herein shall prevent the Board from providing salary increase beyond the increases specified above. These increases are provided for market equity considerations, including verified counteroffers and compression/inversion; increased

Michael Zlatkin
Chief Negotiator
FAMU-BOT
January 19, 2017
Date

[Signature]
Chief Negotiator
UFF
Jan 19, 2017
Date

**FAMU PROPOSAL
ARTICLE 23
1/19/2017**

duties and responsibilities; special achievements; litigation/settlements; and similar special situations. A copy of procedures used for distributing increases under this section will be provided to the local UFF

chapter, which shall have an opportunity to discuss the procedures in consultation with the president or representative, prior to their implementation.

23.5 Grievability. The only issues to be addressed in a grievance filed pursuant to Article 20 alleging violation of this Article are whether there is unlawful discrimination under Article 6, or whether there is an arbitrary and capricious application of the provisions of one or more Sections of this Article.

23.6 Type of Payment for Assigned Duties.

- (a) Duties and responsibilities assigned by the university to an employee which do not exceed the available established FTE for the position shall be compensated through the payment of Salary, not OPS.
- (b) Duties and responsibilities assigned by the university to an employee which are in addition to the available established FTE for the position shall be compensated through OPS, not Salary.

23.7 Contract and Grant Funded Increases.

- (a) Employees on contracts or grants shall receive salary increases equivalent to similar employees on regular funding, provided that such salary increases are permitted by the terms of the contract or grant and adequate funds are available for this purpose in the contract or grant. In the event such salary increases are not permitted by the terms of the contract or grant, or in the event adequate funds are not provided, the president or representative shall seek to have the contract modified to permit such increases.
- (b) Nothing contained herein shall prevent employees whose salaries are funded by grant agencies from being allotted raises higher than those provided in this contract.

Michael Mattione
Chief Negotiator
FAMU-BOT

January 19, 2017
Date

Chief Negotiator
UFF

Date

APPENDIX

Annual Faculty Evaluation Form (See Article 10)

~~The University is committed to ensuring excellence in teaching, research and creative activity, and service. Our performance evaluation and development process assists faculty members and supervisors in setting goals, engaging in professional development activities, and measuring and rewarding success. The process articulates individual goals and achievement in the context of the overall mission of the institution. The University is committed to individual and collective responsibility of the success of the institution by articulating goals, fostering open dialogue and constructive feedback, emphasizing quality performance and supporting professional development. This form is intended to serve as a minimum template for annual evaluations. Colleges and Departments may also enhance this template, per the review process outlined in the UFF contract.~~

Directions

~~The faculty member being evaluated should complete Part A of each section and share these materials with their evaluator no later than one week before their scheduled meeting to discuss the evaluation. The faculty member should attach any relevant documents and an updated copy of their curriculum vitae.~~

Teaching

~~The objective of good teaching is student learning. Good teaching is necessary at any land-grant university. All faculty are accountable for the learning of their students. Faculty members being evaluated are responsible for providing the evidence to support their evaluation with respect to both quality and quantity of teaching. The elements of effective teaching are organization and planning, course content, teaching strategies and methodology, classroom decorum, including faculty and student punctuality and attendance, planning, design, use and grading of projects, assignments and exams, appropriateness of student evaluations, and accessibility and maintenance of office hours.~~

~~A. To be completed by the Faculty Member (online survey using Qualtrix)~~

~~1. Please provide copies of all syllabi of all courses taught since your last evaluation.~~

~~2. Please answer the following questions.~~

~~a. Please briefly explain your teaching philosophy.~~

~~b. Number of courses taught since last evaluation.~~

~~c. Number of new courses taught since last evaluation.~~

~~d. Number of classes taught since last evaluation.~~

~~e. Number of students taught since last evaluation.~~

~~f. Did you use any new teaching methodologies this year? Please describe.~~

~~g. For any of your classes did you cancel more than three teaching sessions for any reason? Did you give notice? Please identify the class and explain the circumstances.~~

~~h. What were your posted office hours? Did you cancel more than three office hour sessions for any reason? Please explain.~~

~~i. Please describe how you monitor student attendance.~~

~~j. Please describe any new teaching methods, materials or other innovations you used in your class.~~

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k. Please explain any other features about your class that demonstrate teaching excellence.

B. To be completed by the evaluator

Based on your evaluation of the material provided, including student evaluations and your discussion with the faculty member, please evaluate the faculty member using the following criteria:

1. Organization and planning of courses
2. Evidence of careful preparation, documented by current course outlines, syllabi, or other appropriate methods distributed at the beginning of class meetings.
3. Ability to make course(s) challenging, inspire interest and thought in subject matter, and encourage students to understand all phases of the course(s).
4. Ability to maintain professional classroom decorum, and to project an atmosphere of friendliness and concerns for students.
5. Punctuality with respect to classroom attendance, adherence to announced schedule, grading of tests and assignments, and submitting required reports.
6. Accessibility and openness to questions, maintenance of office hours and availability for student consultation.
7. Appropriateness, relevance, and fairness of examination or student evaluations.

Scholarship or Creative Activity

Faculty members being evaluated are responsible for providing the evidence to support the evaluation of their research/artistry with respect to both quality and quantity. This may include ability to identify and define significant research and development projects, to plan and execute well-defined research and to generate effective results and reports worthy of publication. Copies of written supporting evidence may be submitted along with the evaluation form.

A. To be completed by the Faculty Member (online survey using Qualtrix)

1. Please provide copies of all award notifications for contracts or grants awarded since your last evaluation; please provide copies of any awards or recognition of research or creative activity received since your last evaluation (internal or external); please provide copies of any scholarly or creative work published since your last evaluation; please provide materials indicating scholarly or creative presentations since your last evaluation (internal or external).
2. Please answer the following questions:
 - a. Number of peer-reviewed books published since your last evaluation. Please provide titles/ISBN numbers.
 - b. Number of peer-reviewed articles published since your last evaluation. Please provide titles and citations.
 - c. Information about other publications, including co-ed or other publications in popular media or on the web.
 - d. Please briefly describe any future or ongoing research or creative activities.

B. To be completed by the evaluator

Based on your evaluation of the material provided, including documentation of current or pending publications or creative activities, and your discussion with the faculty member, please evaluate the faculty member using the following criteria:

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- 1 Evidence of presentation of papers or creative works at professional meetings/societies or exhibitions. Also include a statement that speaks to the quality of scholarship/creative activity—impact within the professional field and the reach of research.
- 2 Evidence of papers or articles published in professional journals and/or books published. Also include a statement that speaks to the quality of scholarship/creative activity—impact within the professional field and the reach of research.
- 3 Evidence of recognized creative work in his/her field such as musical compositions, paintings, product design, sculptures, dance, theatre, etc. Also include a statement that speaks to the quality of scholarship/creative activity, impact within the professional field, and the reach of research.
- 4 Evidence of on-going quality research or creative activity.
- 5 Evidence of the development of research projects or submission of proposals relative to research or creative activity.

Service

Service activities are an essential part of the land-grant university's mission. Faculty service develops and promotes goals of individual units, the institution, the profession and external constituents. Service is essential for an institution's seamless operation and its obligation to serve society.

Faculty members are expected to perform service in balance with excellence in teaching and scholarship. However, evaluation of faculty service activities should take into account differences in assignment of responsibilities and discipline including research activities that might preclude service, or service/engagement/learning activities that might be common for a particular discipline. Units should expect and recognize different levels of service according to the rank of individual faculty members. For example, the non-tenured faculty may be protected from taxing service while those with tenure and longevity may be expected to increase service commitments and assume leadership roles.


A. To be completed by the Faculty Member (online survey using Qualtrix)

1. Please provide evidence of your campus service activities (may be reflected in accompanying CV).
2. Please provide evidence of off-campus service activities, appreciating that not all civic activities (e.g., membership in a church or civic organization) may not be sufficient without evidence that your expertise as a faculty member or your leadership responsibilities as a faculty member are a primary element of your contribution.
3. Please answer the following question:
 - a. Please briefly explain your service philosophy. Please describe the ties between your service activity and your teaching and research or creative responsibilities as a FAMU faculty member.
 - b. Please describe any leadership roles you have undertaken in your service activities since your last evaluation.
 - c. Please describe how your service activities advance the FAMU mission and vision.

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Form completed by the evaluator:
Based on your evaluation of the material provided, including appropriate documentation of service, and your discussion with the faculty member, please evaluate the faculty member using the following criteria:

1. Evidence of performance on departmental, college/school, and university-wide committees, councils and task forces.
 2. Evidence of ongoing contribution/participation to faculty meetings and regular program activities.
 3. Evidence of memberships in appropriate professional organizations and contributions to these.
 4. Evidence of involvement in activities leading to professional development, continuing education, certification or licensure.
 5. Evidence of performance in community activities on a local, state, national or international level.
 6. Evidence of demonstrated leadership through participation with university activities or membership(s) in appropriate professional organizations.
 7. Evidence of advancing the FAMU mission through contribution/participation with university activities or membership(s) in appropriate professional organizations.
-

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Name: _____ RANK AND POSITION _____

COLLEGE / UNIT _____ DEPARTMENT / UNIT _____

Evaluator's Name and Position _____

PERFORMANCE OF DUTIES

Annual evaluation by placing an "X" in the appropriate column for each category below. In the "Overall Performance" section, rate the faculty member's overall performance in fulfilling his or her responsibilities to the university. Average VDR Percentage is based on the annual amount of responsibility as a monthly assignment for 12 months (January). The annual evaluation shall include evaluation of summer activities 9-month faculty if the faculty is a summer assignment.

| EXCELLED | Meets All Expectations | Substantially Exceeds High Expectations | Meets High Expectations | Meets Expectations | Does Not Meet Expectations | Does Not Meet Expectations Substantially | No Overall Coverage |
|--------------------------------------|------------------------|---|-------------------------|--------------------|----------------------------|--|---------------------|
| TEACHING | | | | | | | |
| RESEARCH AND OTHER ACADEMIC ACTIVITY | | | | | | | |
| SERVICE | | | | | | | |
| PROFESSORIAL ENGLISH SKILLS | | | | | | | |
| OVERALL PERFORMANCE | | | | | | | |

The evaluator's narrative explanation of overall performance must be attached. The evaluator should receive input from both student and faculty in preparing this report. If for any reason such input is unavailable, the report should indicate why, and what alternative methods have been used.

Are you rating the individual without meeting with him/her?

Yes

No (attach explanation)

Signature of Evaluator _____ Date: _____

Signature of Faculty Member _____ Date: _____

Number of pages attached to report _____

Signature of Academic Dean/Director _____ Date: _____

If "Does Not Meet High Expectations" is noted in Spanish, English, Consistency, options for reevaluation should be communicated in writing in addition to this form. A copy of the form with the addendum should be forwarded through the dean to the Provost.

If "Overall Performance" is rated as "Does Not Meet High Expectations," this report must be forwarded with the appropriate recommendations for improvement (including a Performance Improvement Plan, if applicable) to the Provost and the President.

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mm *Ekman*