

ARTICLE 6
APPOINTMENT & PROMOTION

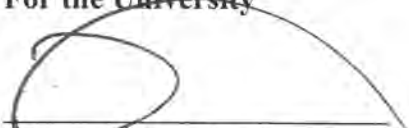
6.1 General Principles

- (a) The University and UFF recognize that Florida Polytechnic University is a new institution, and as such, both parties accept that flexibility is required as we develop an excellent faculty through the process of appointment and promotion. The University and UFF share the desire to improve the quality of the University in all areas, but particularly in the execution of teaching, research, and service by the faculty. This article balances a recognition of the University's unique history, newness, and current situation with a shared desire for continuous improvement.
- (b) The University and UFF further recognize that promotions are an important method by which the University recognizes excellence and rewards its employees' contributions to advancing the mission of the University. Promotion decisions are not determined by any sole factor and are based upon a careful and rigorous assessment that relies upon faculty and administrative review of a faculty member's demonstrated teaching, scholarship, research and service contributions at the University, the assessment of the faculty member's continued positive contribution to their department and the University, as well as the faculty member's potential for continued appropriate contributions and growth. Elements critical to the promotion process include, but may not be limited to, a faculty member's annual performance evaluations, a significant and careful review of credentials by a set of faculty that hold at least the rank sought by the candidate, an external set of recommendations appropriate for that faculty member by subject matter experts in the candidate's field, and administrative review.
- (c) Every candidate for a promotion will be fairly evaluated and the integrity of the evaluation process will be maintained to the highest degree.
- (d) Non-reappointments shall not be made in an arbitrary or capricious manner.

6.2 Appointment and Reappointment Terms.

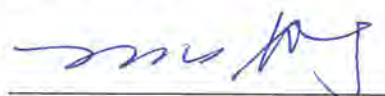
- (a) Terms for appointments and reappointments are as follows:
1. Assistant Librarian and Wellness Counselor
 - a. Terms will be determined, and negotiated with the UFF, prior to the date of hire.

For the University


Alexander Landback
Chief Negotiator

7/31/19
Date

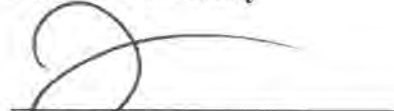
For the UFF


Myles Kim
Chief Negotiator

July 31, 2019
Date

- 1 2. Instructor
- 2 a. Initial term: two (2) years
- 3 b. Reappointment term: two (2) years. The University will provide
- 4 instructors with its reappointment decision at least one (1) year prior
- 5 to the end of the instructor's current contract.
- 6 c. Reappointment decisions must be considered by the division director
- 7 (or chair if no director is present), the Provost, and the Vice Provost
- 8 of assessment and instruction. Said consideration will be based on the
- 9 faculty member's performance reviews since their last reappointment
- 10 or, if they have not yet been reappointed since their initial
- 11 appointment, faculty dossier, and other supporting materials. If
- 12 supporting materials are used as part of the review, the candidate will
- 13 be informed of this information, and provided a minimum of five (5)
- 14 days to respond to the information.
- 15 d. Upon request, the Provost will provide a written justification for
- 16 his/her decision.
- 17 3. Assistant Professor
- 18 a. Initial term: three (3) years
- 19 b. Reappointment term: three (3) years
- 20 c. May only be reappointed once and must apply for promotion no later
- 21 than at the completion of six, fall to spring, academic years. However,
- 22 if hired prior to June 1, 2017, such faculty must apply for promotion
- 23 to Associate Professor no later than the last year of their three-year
- 24 reappointment term.
- 25 d. The University may permit a faculty member to delay promotion
- 26 review by granting a maximum one (1) year extension at this rank due
- 27 to a valid request for FMLA or other appropriate leave. Additional
- 28 extensions beyond the extra year are not permitted.
- 29 4. Associate Professor
- 30 a. Initial term: three years, unless the University determines that an initial
- 31 term of four (4) or five (5) years is warranted. The reason for a longer
- 32 initial term shall be provided to the union upon request.

For the University



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1 5. The Provost may elect to allow another maximum of six (6) individuals to be
2 reviewed in each round of reviews based on a request from the individual and
3 their director, or chair if the director is not present.

4 6. Until a professor has received a three (3) year appointment based on a
5 shortened review, or alternatively, has been promoted, such professor is only
6 eligible for a contract that is at most two (2) years in duration. During this time
7 period, the University retains the right non-reappoint such professors for
8 substantiated poor performance. A single performance evaluation finding that
9 is "Needs Improvement" shall not be considered substantiated poor
10 performance.

11 (c) If a professor has participated in a review and is not provided with a reappointment,
12 the professor shall be entitled to one (1) additional year of employment, with no right
13 to continued employment. If a professor chooses not to participate in a reappointment
14 review, or in the case of an Assistant Professor, chooses not to participate in the
15 promotion process, the professor's employment shall end on the last date of the
16 professor's existing contract.

17 6.3 Appointment Expiration and Reappointment Notice. Faculty appointments expire on the date
18 set forth in the faculty member's employment contract. Prior to the expiration of a faculty
19 member's appointment, the University will provide a letter to the faculty member notifying
20 them of the expiration of their appointment. If the University intends to offer a faculty
21 member reappointment, the University will inform the faculty member by August 15th
22 following the academic year ~~in which~~ in which the ~~faculty member's contract expires~~
23 ~~reappointment review was conducted.~~

24 6.4 Faculty Reappointment Review for Professors.

25 (a) Shortened Review

26 1. Assistant Professors shall receive a shortened review during the spring
27 semester of the final year of their initial appointment (or in the case of those
28 hired ~~on or~~ before June 1, 2017, the schedule noted above is followed), except
29 Assistant Professors applying for promotion to Associate Professor.

30 2. Associate Professors hired after ~~the~~ June 1, 2017 shall receive a shortened
31 review during the spring semester of the final year of their initial appointment
32 only.

33 3. Assistant and Associate Professors hired on or before ~~the~~ June 1, 2017 shall
34 receive a shortened review as provided in 6.1(b) above.

For the University



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1 4. The shortened review will also be used for the initial review of Full Professors
2 hired for an initial term of less than six (6) years.

3 (b) Full Review

4 1. All Full Professors hired for an initial term of six (6) years shall receive a full
5 review during the spring semester (process begins in the fall) of the final year
6 of their initial appointment term and every six (6) years thereafter.

7 2. All Associate Professors shall receive a full review during the spring semester
8 (process begins in the fall) of the final year of a six-year appointment term or
9 a non-initial three-year term

10 3. An Associate Professor seeking a promotion shall normally have any such
11 promotion considered during the full review process.

12 4. All Assistant Professors must receive a full review in order to be promoted to
13 Associate Professor.

14 6.5 Reappointment and Promotion Criteria for Professors. The awarding of reappointment or
15 promotion shall be based on written criteria, which is established by the University and tailored
16 by each department in accordance to this Article.

17 (a) University Criteria. The University will provide general criteria for the granting of
18 promotion or reappointment to each department. Promotion and reappointment
19 criteria shall consider the performance of the work that the professor has been
20 assigned (as reflected in FARE forms), criteria for each rank as set forth in the 2018-
21 2019 Faculty Handbook, and the faculty member's responsibilities as a member of the
22 University and department community. The general criteria are recognized broadly in
23 three (3) categories as follows:

24 1. Instruction, including regular classroom and laboratory teaching, classroom
25 development, effective development/application of new instructional
26 methods, directing thesis or dissertation committees, and other instructional
27 activities;

28 2. Research or other creative activities relevant to the department mission,
29 including scholarly publications, support and advising of graduate students;
30 and

31 3. Service to professional societies and contributions to the University and
32 department.

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1 These criteria shall include, but are not limited to, a demonstrated record of scholarly
2 activity, teaching, and as appropriate, course and/or curriculum development
3 commensurate with the University's mission and relevant academic discipline(s),
4 evidence of a positive and growing reputation in his/her chosen sub-field within the
5 department's mission, and promise of continued successful performance.


6 (b) Department Clarifications of University Criteria. The department clarifications shall
7 flexibly define department criteria based upon the broader University criteria and:

- 8 1. Be consistent with university requirements and faculty duty assignments;
- 9 2. Be detailed enough that a reasonable professor should be informed about the
10 performance or accomplishment expectations necessary to earn
11 reappointment or promotion, assuming that the accomplishments are of
12 sufficient quality, quantity and consistency; and
- 13 3. Identify some representative examples of the achievements or performance
14 characteristics which, if the requirement or distinction were met, are
15 appropriate comparisons for reappointment or promotion.

16 (c) Criteria and Discipline-specific Clarification Review Process. Criteria and department-
17 specific clarifications shall be approved according to the following:

- 18 1. The University shall establish the criteria on an annual basis, and provide it to
19 each department's Division Director, or Chairperson if no Division Director
20 is present. Following receipt by the department, the Committee shall convene
21 to tailor the criteria to the department disciplines in accordance with the
22 procedures outlined herein. The Committee shall complete its review and
23 finalize the department clarifications within fifteen (15) days of receiving the
24 University's criteria.
- 25 2. Department Faculty Vote. Within ten (10) days of the Committee finalizing
26 the department clarifications, the department faculty shall conduct a
27 confidential and anonymous vote on said clarifications. Faculty that are in their
28 terminal year of employment (as a result of non-reappointment or layoff),
29 visiting faculty, and instructors do not vote on the clarifications.
 - 30 a. If a majority of a department's professors vote in favor of the proposed
31 department clarifications, the department clarifications are forwarded
32 to the Provost for review and approval.

For the University

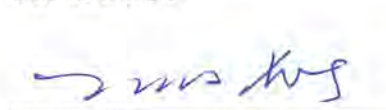


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- 1 b. If a majority of a department's professors do not vote in favor of the
2 proposed department clarifications, the Committee (as outlined in
3 Section 6.5(d)) shall reconsider the proposed clarifications prior to
4 conducting a second vote. The Committee shall have five (5) days to
5 reconsider the proposed clarifications and hold a second vote within
6 five (5) days of finalizing the second round of department
7 clarifications. If the second vote is also unsuccessful, the proposed
8 clarifications shall be forwarded to the Provost for approval, noting
9 the lack of department faculty support.
- 10 c. If a vote does not occur within five (5) days of the Committee
11 finalizing the department clarifications, the department clarifications
12 shall be forwarded to the Provost for review, noting that no vote
13 occurred.
- 14 3. Provost Review. Within ten (10) days of receipt, the Provost shall review the
15 proposed department clarifications to ensure compliance with this Agreement,
16 the mission and goals of the University, and with University standards as
17 established in the 2018-2019 Faculty Handbook. The Provost will either
18 approve the proposed department clarifications, or return them to the
19 Committee for reconsideration. In the event the Provost returns the proposed
20 department clarifications to the Committee for reconsideration, he/she shall
21 provide objections to any such provision in writing.
- 22 4. Committee Reconsideration. The Committee shall reconsider the Provost's
23 written objections and within ten (10) days after receiving them, shall resubmit
24 the proposed written clarifications to the Provost, incorporating all, some, or
25 none of the objections, along with a written explanation and justification for
26 the resubmitted language.
- 27 5. Provost Reconsideration. The Provost shall reconsider the department
28 clarifications and issue final revisions or approvals within seven (7) days after
29 receiving the revised department clarifications.
- 30 (d) Department Committee.

For the University



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1 1. The Vice-Provost of Assessment and Instruction (or designee), Department
2 Chairperson (or if Division/Department Director is present, Division director,
3 or designee) of each respective department, and two (2) faculty members from
4 the department (at least one holding the most senior rank in the department,
5 subject to the limitation below) shall form the "Committee." Department
6 faculty shall select their representative faculty members on an annual basis
7 during the first week of the fall semester (except for Spring 2019, when the
8 Committee shall be formed as early as possible in the semester). Faculty
9 members that received a notice of non-reappointment or notice of layoff,
10 instructors, and visiting faculty are not eligible to serve on the Committee or
11 participate in the Committee selection process (this includes individuals that
12 contest their non-renewal status).

13 2. The Provost shall provide a framework and formally charge said Committee
14 to develop and maintain written clarifications of the University's
15 reappointment and promotion criteria in terms tailored to the department's
16 discipline(s) and assigned duties, and consistent with University standards as
17 established in the 2018-2019 Faculty Handbook.

18 (e) The criteria shall be available in the department and in the Provost's office or upon
19 request from the Department Chairperson. All such criteria shall also be provided to
20 UFF upon written request.


21 6.6 Promotion Categories and Eligibility Criteria. Subject to the requirements set forth herein,
22 faculty holding the rank of Assistant Professor, and Associate Professor shall be eligible to
23 apply for promotion to the next higher rank.

24 (a) Individuals that seek promotion from Associate Professor to Full Professor, must
25 declare their intent to seek promotion in writing to their Division Director if present,
26 chair if no director is present, and the Provost no later than August 1 before the
27 academic year in which they will seek promotion.

28 (b) Minimum Qualifications. Professors must serve at least five (5) academic years at their
29 current rank in order to qualify for promotional consideration to a higher rank. At
30 least two (2) of the five (5) immediately preceding academic years must be served at
31 the University. The University may provide exceptions to these minimum
32 qualifications upon request of a professor and approval of their Chair, Director (when
33 a Director is present), and the Provost or designee.

34 (c) If the University previously promoted the candidate, the promotion assessment shall
35 be based on the candidate's performance since the candidate's last promotion.

For the University




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1 (d) If the University has not previously promoted the candidate, the promotion
2 assessment is cumulative and must include consideration of the candidate's
3 achievements prior to employment at the University. However, the candidate's
4 promotion assessment must also establish that the candidate has continued to progress
5 and achieve in the categories and criteria used for reappointment and/or promotion
6 while employed at the University.

7 6.7 Changes in Criteria for Reappointment and Promotion for Professors.

8 (a) Following the Provost's approval of the criteria, the University may modify the
9 approved University criteria for reappointment and promotion so long as the UFF has
10 been notified of the proposed changes and offered an opportunity to discuss such
11 changes in consultation with the President or designee.

12 (b) Changes to discipline-specific departmental clarifications of the University criteria
13 shall be developed and approved according to the process outlined above.

14 6.8 Reappointment and/or Promotion Procedure for Professors. The below procedure shall be
15 followed for all reviews related to reappointment and promotions, with exceptions noted
16 below regarding "Shortened" reviews.

17 (a) The University will provide notification to eligible professors prior to the semester
18 that their reappointment and/or promotion review starts, with the exception of
19 reviews conducted in Spring 2019. Such notification will provide the professors with
20 information relevant to the applicable reappointment/promotion process including
21 instructions, information, and deadlines.

22 (b) Professors shall provide the University with their Packet by the deadline set forth in
23 the notice referenced herein.

24 (c) If a professor does not receive a promotion following consideration, the professor
25 may not reapply for promotion until after the completion of two (2) additional
26 academic years. This clause shall not unreasonably deny a professor their terminal
27 promotion consideration to Associate Professor.

28 (d) The candidate being considered for promotion may withdraw from consideration
29 provided that the withdrawal is made before the UEC begins its consideration of the
30 candidate. Such withdrawal shall be without prejudice and will not render the candidate
31 ineligible for the next promotional cycle.

For the University



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1 (e) The University shall provide the Packet (as described in Section 6.9) to the PAEP for
2 review. For reviews of Associate and Assistant Professors, the PAEP shall consist of
3 faculty of a higher rank than the Candidate within the Candidate's division, or if no
4 division is present, within the Candidate's department. The Division Director, if
5 present, or if there is not a division, the Department Chair chairs the PAEP if he or
6 she holds the appropriate faculty appointment rank. If the Division Director or
7 Department Chair does not hold the appropriate rank, the Provost will appoint a chair
8 for the PAEP. There must be a minimum of three (3) qualified (appropriately ranked)
9 individuals serving on the PAEP. If the number of individuals available to serve on
10 the PAEP is less than three (3), the Provost and PAEP Chair will each select a faculty
11 member of appropriate rank from another unit at the University to serve on the PAEP.
12 If the PAEP includes no members from the candidate's department, the PAEP will
13 request input from the department chair before finalizing their recommendation. If
14 the chair is the candidate and no member from the chair's department is a member of
15 the PAEP, the Provost or designee shall select a member of the chair's department to
16 provide input to the PAEP before the PAEP finalizes their recommendation.

17 The PAEP will prepare and provide a report and recommendation to the UEC during
18 a full review, or if during the "shortened review" process, directly to the Provost.

19 (f) University Evaluation Committee ("UEC"). The UEC is not utilized as part of the
20 shortened review evaluation process. The UEC is formed from those holding Full
21 Professor rank from a nomination pool provided by the Faculty Representative
22 Council; however, if there are less than five qualified individuals at the University, all
23 such qualified individuals shall be deemed in the nomination pool. Individuals that are
24 in their terminal year of employment (as a result of non-reappointment or layoff) are
25 not eligible to serve on the UEC or PAEP. Term duration will be staggered to have a
26 "normal" term of 3 years in length and with overlap in UEC membership so that
27 committee memory is maintained. In years where an individual is up for reappointment
28 review, he or she may not participate in the UEC. If less than three (3) individuals are
29 eligible to staff the UEC, the UEC will be chaired by the Provost with all eligible
30 faculty serving as members. When the University includes fewer than 10 individuals
31 with rank Full Professor, the UEC will be between three and five individuals at the
32 discretion of the administration. With 10 to 20 Full Professors on staff, the UEC will
33 be between five and seven individuals at the discretion of the administration, with
34 more than twenty (20) Full Professors, the committee will include seven members.
35 The UEC must operate in executive session and in total confidentiality.

For the University



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1 When reviewing a Full Professor, and that faculty member's unit does not have a
2 minimum of four (4) individuals with the rank of Full Professor, the UEC will be the
3 sole reviewing committee for that faculty member.

4 The UEC will prepare a report and recommendation, and provide both the PAEP (if
5 it was done) and UEC reports and recommendations to the Provost. If the Provost
6 chairs the UEC, the Provost will not make a recommendation, but will supply a
7 candidate's Packet, and both the UEC and PAEP reports to the President for a final
8 decision.


9 (g) Provost's Review and Recommendation. After a careful review of the PAEP's and
10 UEC's reports and recommendations, the Provost shall make a positive or negative
11 recommendation as to the Candidate's reappointment or promotion. The Provost's
12 recommendation, if positive, is provided to the President, and if negative, the decision
13 and written justification are provided to the Candidate. Negative recommendations
14 from the Provost are terminal, but are appealable to the President.

15 (h) President's Review and Authority. The President shall have the sole authority to grant
16 a Candidate's reappointment or promotion. The granting of reappointment or
17 promotion should be based on the University's criteria and criteria produced by the
18 Candidate's unit or department, the reports and recommendations of the PAEP and
19 UEC, any documents relied upon by the PAEP and UEC in creating said reports, and
20 the recommendation of the Provost.

21 (i) If the President's final decision on reappointment and promotion is negative, the
22 Candidate may request within ten (10) days a written justification of the decision. Upon
23 such a request, the President or representative shall, within twenty (20) days, provide
24 such a written justification to the Candidate.

25 6.9 Reappointment and/or Promotion Packet for Professors. The Reappointment and/or
26 Promotion Review Packet ("Packet"), utilized in the procedure set forth in Section 6.8, shall
27 include, at a minimum, the following:

For the University




Alexander Landback
Chief Negotiator

7/31/19

Date

For the UFF



Myles Kim
Chief Negotiator

7/31/19

Date

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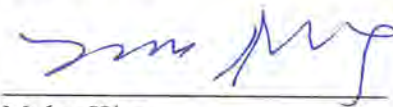
(a) Candidate Prepared Dossier. A Candidate for reappointment or promotion prepares a dossier for consideration. This dossier must include a personal statement from the Candidate, elements that show the Candidate’s demonstrated abilities and competencies in teaching, service, and research, including but not limited to all evaluation materials from prior years of employment at the University. Intentional or significant misrepresentations contained in the Candidate’s dossier shall serve as cause for termination. The Provost shall develop the format and guidelines for the Candidate Prepared Dossier and send them to the Faculty Representative Council (“FRC”) for review and comment. The FRC shall, within fourteen (14) days of receipt, review the format and guidelines and recommend approval or changes to the Provost. Should the FRC recommend changes, the Provost shall, within ten (10) days, either accept the changes or give a written justification for not accepting the changes. Candidate Prepared Dossier must follow the final format as finalized by the Provost and faculty are solely responsible for the content within, and production of, the dossier.

(b) Reference Letters. Reference letters are required for promotion reviews and may be requested for “full” reviews by either the candidate or the division director (or chair if no director is present). Reference letters are confidential and will be requested using a template that instructs the external reviewer on the individual being evaluated, 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 6.8 – Reappointment and/or Promotion Procedure for Professors. The Candidate “nominates” up to four (4) individuals to provide reference letters. The Division Director, or if the academic unit does not belong to a division, Department Chair, in conjunction with the Program Area Evaluation Panel (“PAEP”) formally requests all external reference letters, which shall include at a minimum two individuals nominated by the Candidate, and a minimum of two letters from individuals not nominated by the Candidate. A single negative reference may not be the sole basis for not reappointing a candidate or for not promoting a candidate. A minimum of four (4) reference letters must be requested. The confidential reference letters shall be included for review with Candidate’s dossier and any supplemental materials. A list of the names of all individuals asked to provide a review and whether any declined to provide this review, and reason given, if any, will also be included. Promotion and reappointment decisions shall not be based solely on the reference letters received.

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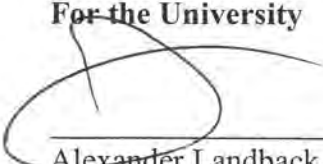
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1 (c) PAEP and UEC Supplemental Information. Both the PAEP and the UEC may acquire
2 and provide supplemental materials and/or other information as they see fit. If
3 supplemental materials and/or other information is used as part of the review, the
4 candidate will be informed of the use of this information, and provided a minimum of
5 five (5) days to respond to the information.

6 6.10 Promotion Date. Promotions for professors that are granted shall be effective on August 15th
7 following the decision date. An individual may use their new title effective after written
8 notification of their promotion.

9 6.11 Grievability. The University's decision to not offer reappointment or promotion to an
10 employee shall not be considered as disciplinary action. The decision to not offer
11 reappointment or promotion is grievable according to Article 11 - Grievance and Arbitration
12 Procedure, as an employee may contest the decision because of an alleged violation of a
13 specific term of the Agreement or because of an alleged violation of the employee's
14 constitutional rights. The remedy for any grievance filed under this provision, if successful,
15 shall not include an award of reappointment or promotion. Such grievances must be filed
16 within thirty (30) days of the Candidate's receipt of the promotion or reappointment decision.
17 The PAEP and UEC reports shall be available for arbitration proceedings upon request.

For the University




Alexander Landback
Chief Negotiator

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7/31/19

For the UFF



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