

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.
 - 2. Instructor
 - a. Initial term: two (2) years
 - b. Reappointment term: two (2) years. The University will provide instructors with its reappointment decision at least one (1) year prior to the end of the instructor's current contract.

- c. Reappointment decisions must be considered by the division director (or chair if no director is present), the Provost, and the Vice Provost of assessment and instruction. Said consideration will be based on the faculty member's performance reviews since their last reappointment or, if they have not yet been reappointed since their initial appointment, faculty dossier, and other supporting materials. If supporting materials are used as part of the review, the candidate will be informed of this information, and provided a minimum of five (5) days to respond to the information.
 - d. Upon request, the Provost will provide a written justification for his/her decision.
 3. Assistant Professor
 - a. Initial term: three (3) years
 - b. Reappointment term: three (3) years
 - c. May only be reappointed once and must apply for promotion no later than at the completion of six, fall to spring, academic years. However, if hired prior to June 1, 2017, such faculty must apply for promotion to Associate Professor no later than the last year of their three-year reappointment term.
 - d. The University may permit a faculty member to delay promotion review by granting a maximum one (1) year extension at this rank due to a valid request for FMLA or other appropriate leave. Additional extensions beyond the extra year are not permitted.
 4. Associate Professor
 - a. Initial term: three years, unless the University determines that an initial term of four (4) or five (5) years is warranted. The reason for a longer initial term shall be provided to the union upon request.
 - b. Reappointment term: three (3) years (shortened review) or six (6) years (full review)
 - c. Promotion term: Faculty members promoted from Assistant to Associate Professor shall receive an appointment term of six (6) years
 5. Full Professor
 - a. Initial term: six (6) years, unless the University determines that it is in its best interest to offer an initial contract with a shortened duration.
 - b. Reappointment term: six (6) years when based upon a "full" review; three (3) years when based upon a "shortened" review
 - c. Promotion term: Faculty members promoted from Associate Professor to Full Professor shall receive an appointment term of six (6) years

- (b) Exception for Professors Employed Prior to June 1, 2017. A professor employed at the University prior to June 1, 2017, and continuously employed thereafter, who has not been promoted while at the University, will have their “shortened” review conducted in the spring of 2019, 2020 or 2021.
1. Professors must request inclusion in the shortened review pool. The University shall notify faculty in a timely manner that they must request inclusion.
 2. Up to fifteen (15) professors may elect to be reviewed in the first round of shortened reviews in the spring of 2019, and eighteen (18) professors may elect to be reviewed in the spring of 2020. The remaining faculty that request a review will be reviewed in the spring of 2021.
 3. If more than fifteen (15) professors elect to be reviewed in the first round, or eighteen (18) professors in the second round, elect to be reviewed, the reviews will be granted in reverse order of seniority by rank (Full Professors reviewed first) and regular order by employment seniority.
 4. If less than eighteen (18) faculty elect to be reviewed in the second round (2020), the University will select candidates in reverse order of seniority by rank (Full Professors first) and regular order by employment seniority (employees that have the greatest longevity of employment are reviewed first).
 5. The Provost may elect to allow another maximum of six (6) individuals to be reviewed in each round of reviews based on a request from the individual and their director, or chair if the director is not present.
 6. Until a professor has received a three (3) year appointment based on a shortened review, or alternatively, has been promoted, such professor is only eligible for a contract that is at most two (2) years in duration. During this time period, the University retains the right non-reappoint such professors for substantiated poor performance. A single performance evaluation finding that is “Needs Improvement” shall not be considered substantiated poor performance.
- (c) If a professor has participated in a review and is not provided with a reappointment, the professor shall be entitled to one (1) additional year of employment, with no right to continued employment. If a professor chooses not to participate in a reappointment review, or in the case of an Assistant Professor, chooses not to participate in the promotion process, the professor’s employment shall end on the last date of the professor’s existing contract.

6.3 Appointment Expiration and Reappointment Notice. Faculty appointments expire on the date set forth in the faculty member’s employment contract. Prior to the expiration of a faculty member’s appointment, the University will provide a letter to the faculty member notifying them of the expiration of their appointment. If the University intends to offer a faculty member reappointment, the University will inform the faculty member by August 15th of the year before the faculty member’s existing employment contract expires.

6.4 Faculty Reappointment Review for Professors.

(a) Shortened Review

1. Assistant Professors shall receive a shortened review during the spring semester of the final year of their initial appointment (or in the case of those hired before June 1, 2017, the schedule noted above is followed), except Assistant Professors applying for promotion to Associate Professor.
2. Associate Professors hired after July 2017 shall receive a shortened review during the spring semester of the final year of their initial appointment only.
3. Assistant and Associate Professors hired on or before July 2017 shall receive a shortened review as provided in 6.1(b) above.
4. The shortened review will also be used for the initial review of Full Professors hired for an initial term of less than six (6) years.

(b) Full Review

1. All Full Professors hired for an initial term of six (6) years shall receive a full review during the spring semester (process begins in the fall) of the final year of their initial appointment term and every six (6) years thereafter.
2. All Associate Professors shall receive a full review during the spring semester (process begins in the fall) of the final year of a six-year appointment term or a non-initial three-year term
3. An Associate Professor seeking a promotion shall normally have any such promotion considered during the full review process.
4. All Assistant Professors must receive a full review in order to be promoted to Associate Professor.

6.5 Reappointment and Promotion Criteria for Professors. The awarding of reappointment or promotion shall be based on written criteria, which is established by the University and tailored by each department in accordance to this Article.(a) University Criteria. The University will provide general criteria for the granting of promotion or reappointment to each department. Promotion and reappointment criteria shall consider the performance of the work that the professor has been assigned (as reflected in FARE forms), criteria for each rank as set forth in the 2018-2019 Faculty Handbook, and the faculty member's responsibilities as a member of the University and department community. The general criteria are recognized broadly in three (3) categories as follows:

1. Instruction, including regular classroom and laboratory teaching, classroom development, effective development/application of new instructional methods, directing thesis or dissertation committees, and other instructional activities;
2. Research or other creative activities relevant to the department mission, including scholarly publications, support and advising of graduate students; and

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

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

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

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

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

1. The University shall establish the criteria on an annual basis, and provide it to each department's Division Director, or Chairperson if no Division Director is present. Following receipt by the department, the Committee shall convene to tailor the criteria to the department disciplines in accordance with the procedures outlined herein. The Committee shall complete its review and finalize the department clarifications within fifteen (15) days of receiving the University's criteria.
2. Department Faculty Vote. Within ten (10) days of the Committee finalizing the department clarifications, the department faculty shall conduct a confidential and anonymous vote on said clarifications. Faculty that are in their terminal year of employment (as a result of non-reappointment or layoff), visiting faculty, and instructors do not vote on the clarifications.
 - a. If a majority of a department's professors vote in favor of the proposed department clarifications, the department clarifications are forwarded to the Provost for review and approval.
 - b. If a majority of a department's professors do not vote in favor of the proposed department clarifications, the Committee (as outlined in Section 6.5(d)) shall reconsider the proposed clarifications prior to conducting a second vote. The Committee shall have five (5) days to reconsider the proposed clarifications and hold a second vote within five (5) days of finalizing the second round of department clarifications. If the second vote is also unsuccessful, the proposed clarifications shall be forwarded to the Provost for approval, noting the lack of department faculty support.

- c. If a vote does not occur within five (5) days of the Committee finalizing the department clarifications, the department clarifications shall be forwarded to the Provost for review, noting that no vote occurred.
 3. Provost Review. Within ten (10) days of receipt, the Provost shall review the proposed department clarifications to ensure compliance with this Agreement, the mission and goals of the University, and with University standards as established in the 2018-2019 Faculty Handbook. The Provost will either approve the proposed department clarifications, or return them to the Committee for reconsideration. In the event the Provost returns the proposed department clarifications to the Committee for reconsideration, he/she shall provide objections to any such provision in writing.
 4. Committee Reconsideration. The Committee shall reconsider the Provost's written objections and within ten (10) days after receiving them, shall resubmit the proposed written clarifications to the Provost, incorporating all, some, or none of the objections, along with a written explanation and justification for the resubmitted language.
 5. Provost Reconsideration. The Provost shall reconsider the department clarifications and issue final revisions or approvals within seven (7) days after receiving the revised department clarifications.
- (d) Department Committee.
1. The Vice-Provost of Assessment and Instruction (or designee), Department Chairperson (or if Division/Department Director is present, Division director, or designee) of each respective department, and two (2) faculty members from the department (at least one holding the most senior rank in the department, subject to the limitation below) shall form the "Committee." Department faculty shall select their representative faculty members on an annual basis during the first week of the fall semester (except for Spring 2019, when the Committee shall be formed as early as possible in the semester). Faculty members that received a notice of non-reappointment or notice of layoff, instructors, and visiting faculty are not eligible to serve on the Committee or participate in the Committee selection process (this includes individuals that contest their non-renewal status).
 2. The Provost shall provide a framework and formally charge said Committee to develop and maintain written clarifications of the University's reappointment and promotion criteria in terms tailored to the department's discipline(s) and assigned duties, and consistent with University standards as established in the 2018-2019 Faculty Handbook.
- (e) The criteria shall be available in the department and in the Provost's office or upon request from the Department Chairperson. All such criteria shall also be provided to UFF upon written request.
- 6.6 Promotion Categories and Eligibility Criteria. Subject to the requirements set forth herein, faculty holding the rank of Assistant Professor, and Associate Professor shall be eligible to apply for promotion to the next higher rank.

- (a) Individuals that seek promotion from Associate Professor to Full Professor, must declare their intent to seek promotion in writing to their Division Director if present, chair if no director is present, and the Provost no later than August 1 before the academic year in which they will seek promotion.
- (b) Minimum Qualifications. Professors must serve at least five (5) academic years at their current rank in order to qualify for promotional consideration to a higher rank. At least two (2) of the five (5) immediately preceding academic years must be served at the University. The University may provide exceptions to these minimum qualifications upon request of a professor and approval of their Chair, Director (when a Director is present), and the Provost or designee.
- (c) If the University previously promoted the candidate, the promotion assessment shall be based on the candidate's performance since the candidate's last promotion.
- (d) If the University has not previously promoted the candidate, the promotion assessment is cumulative and must include consideration of the candidate's achievements prior to employment at the University. However, the candidate's promotion assessment must also establish that the candidate has continued to progress and achieve in the categories and criteria used for reappointment and/or promotion while employed at the University.

6.7 Changes in Criteria for Reappointment and Promotion for Professors.

- (a) Following the Provost's approval of the criteria, the University may modify the approved University criteria for reappointment and promotion so long as the UFF has been notified of the proposed changes and offered an opportunity to discuss such changes in consultation with the President or designee.
- (b) Changes to discipline-specific departmental clarifications of the University criteria shall be developed and approved according to the process outlined above.

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

- (a) The University will provide notification to eligible professors prior to the semester that their reappointment and/or promotion review starts, with the exception of reviews conducted in Spring 2019. Such notification will provide the professors with information relevant to the applicable reappointment/promotion process including instructions, information, and deadlines.
- (b) Professors shall provide the University with their Packet by the deadline set forth in the notice referenced herein.
- (c) If a professor does not receive a promotion following consideration, the professor may not reapply for promotion until after the completion of two (2) additional academic years. This clause shall not unreasonably deny a professor their terminal promotion consideration to Associate Professor.
- (d) The candidate being considered for promotion may withdraw from consideration provided that the withdrawal is made before the UEC begins its consideration of the candidate. Such withdrawal shall be without prejudice and will not render the candidate ineligible for the next promotional cycle.

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

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

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

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

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

- (g) Provost's Review and Recommendation. After a careful review of the PAEP's and UEC's reports and recommendations, the Provost shall make a positive or negative recommendation as to the Candidate's reappointment or promotion. The Provost's recommendation, if positive, is provided to the President, and if negative, the decision and written justification are provided to the Candidate. Negative recommendations from the Provost are terminal, but are appealable to the President.
 - (h) President's Review and Authority. The President shall have the sole authority to grant a Candidate's reappointment or promotion. The granting of reappointment or promotion should be based on the University's criteria and criteria produced by the Candidate's unit or department, the reports and recommendations of the PAEP and UEC, any documents relied upon by the PAEP and UEC in creating said reports, and the recommendation of the Provost.
 - (i) If the President's final decision on reappointment and promotion is negative, the Candidate may request within ten (10) days a written justification of the decision. Upon such a request, the President or representative shall, within twenty (20) days, provide such a written justification to the Candidate.
- 6.9 Reappointment and/or Promotion Packet for Professors. The Reappointment and/or Promotion Review Packet ("Packet"), utilized in the procedure set forth in Section 6.8, shall include, at a minimum, the following:
- (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.
- (c) PAEP and UEC Supplemental Information. Both the PAEP and the UEC may acquire and provide supplemental materials and/or other information as they see fit. If supplemental materials and/or other information is used as part of the review, the candidate will be informed of the use of this information, and provided a minimum of five (5) days to respond to the information.
- 6.10 Promotion Date. Promotions for professors that are granted shall be effective on August 15th following the decision date. An individual may use their new title effective after written notification of their promotion.
- 6.11 Grievability. The University’s decision to not offer reappointment or promotion to an employee shall not be considered as disciplinary action. The decision to not offer reappointment or promotion is grievable according to Article 11 - Grievance and Arbitration Procedure, as an employee may contest the decision because of an alleged violation of a specific term of the Agreement or because of an alleged violation of the employee’s constitutional rights. The remedy for any grievance filed under this provision, if successful, shall not include an award of reappointment or promotion. Such grievances must be filed within thirty (30) days of the Candidate’s receipt of the promotion or reappointment decision. The PAEP and UEC reports shall be available for arbitration proceedings upon request.