

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: July 14, 2023

REGULATION TITLE AND NUMBER: Faculty Evaluations (5.002)

SUMMARY: The University seeks to amend FAU Regulation 5.002, Faculty Evaluations. The purpose of this amendment is to reflect compliance with Board of Governors' (BOG) Regulation 10.003, Post-Tenure Review and Florida Statute 1001.741. The proposed changes are summarized as follows:

1. Updates annual performance evaluations to be conducted in accordance with the criteria and requirements of Florida law and BOG regulations.
2. Adds a section for post-tenure review according to the criteria and requirements of Florida law and BOG Regulation 10.003 and states that the post-tenure review process is separate and independent from the annual review process that may run concurrently.

FULL TEXT OF THE AMENDED REGULATION: The full text of the proposed amended regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed amended regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT: David L. Kian, General Counsel and Vice President for Legal Affairs.

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Mrs. Cassandra Rey, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

Regulation 5.002 Faculty Evaluations

Annual Performance Evaluation

(1) The University shall conduct ~~periodic~~ evaluations of its faculty in accordance with the criteria and requirements of Florida law, Board of Governors' regulations, and the procedures below, and ~~or~~ for in-unit faculty, if applicable, the terms of a collective bargaining agreement. Failure to comply with this procedure shall not invalidate an evaluation or affect its substantive content, but corrective measures may be taken if a faculty member is actually harmed or prejudiced by the noncompliance.

(2) The annual evaluation shall take place within ninety (90) days after the end of the evaluation period and shall evaluate the faculty member's performance during the evaluation period (academic year or calendar year) based on assignment.

(3) Each faculty member in an academic unit shall be responsible for preparing and delivering to the evaluator the materials relevant to evaluate his/her teaching, research and other creative activities, service and other University duties. Faculty members with duties performed under the supervision of University officials such as Deans, Directors or the University Provost may have the performance of their specific duties evaluated by their supervisors.

(4) A faculty member's performance evaluation shall include a summary written by the evaluator. In completing this summary, the evaluator shall consider the duties formally assigned to the faculty member each evaluation period.

(5) Evaluation shall be based on performance in the areas of teaching, research and other creative activity, service (including any service to public schools), and other University duties.

(6) Where appropriate, the evaluation shall include evaluations by students, other faculty members, any public school officials, and other University officials responsible for supervision of the faculty member.

Post Tenure Review

(7) Tenured faculty members shall undergo a comprehensive post-tenure review in accordance with the criteria and requirements of Florida law, Board of Governors' Regulation 10.003, and any University policies or memoranda related thereto.

~~(6)~~(8) The post-tenure review process is separate and independent from the annual review process, and may run concurrently.

Specific Authority: Article IX of the Florida Constitution, 1001.706, F.S., 1001.741, F.S.

Board of Governors Regulation 1.001 and 10.003. History—New 7-20-76; Formerly 6C5-5.04, 6C5-5.004. Amended 11-11-87, 8-6-12, 08-xx-2023.