

Regulation Number	Subject	Effective Date	Revised Date
4.0030R	Limited Access Personnel Records	02/01/06	
Responsible Division / Department: Administration & Finance / Human Resources			
<input checked="" type="checkbox"/> New Regulation	<input type="checkbox"/> Major Revision of Existing Regulation	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing Regulation

I. OBJECTIVE & PURPOSE

The purpose of this regulation is to establish clear policy and procedures for access to employment records and other employee information.

II. STATEMENT OF REGULATION

A. Employment records and other employee information maintained by the University are subject to the provisions of this regulation and may also be subject to other laws or regulations that limit public access to the records or parts thereof.

- 1) Generally, University personnel records are public records and under the Sunshine Law are open for public inspection. However, personnel records do contain confidential information, such as social security numbers, health and/or other information which is exempt from production pursuant to the Sunshine Law. Accordingly, prior to releasing any personnel records, employees should consult with their supervisor to ascertain what confidential information may not be released.
- 2) Employees' social security numbers are not public records. An individual's social security number must be removed from any record inspected or released in response to a public records request.
- 3) Personal information of law enforcement personnel and their immediate family members are not considered public records and are exempt from the General State Policy on Public Records under Section 119.07, F.S.

B. The Director of Human Resources is the custodian of the central personnel files of University employees. All requests for inspection and/or duplication of personnel records must be made to the Office of Human Resources. Copies of the records may be furnished upon request, at a cost of \$0.15 per page.

- C. Additional personnel information regarding faculty, undergraduate student employees and other employees may be under the custodial responsibility of the respective vice presidents, deans or directors. The custodians of such records are responsible for designating, in a manner consistent with the provisions of this policy, those University personnel who have access to limited access records and other employee materials not open to the public. Any University personnel who have access to such records and materials shall maintain their confidentiality.
- D. Records which are identified in this policy as “limited access” records are confidential and are not subject to inspection under the provisions of Chapter 119.07(1), F.S. Limited access records shall be available for inspection only by the employee who is the subject of the records, the employee’s representative, university officials who use the information in carrying out their responsibilities, peer committees responsible for evaluating employee performance, and arbitrators or others engaged by the parties to resolve disputes, or by others by court order. For the purposes of this policy, limited access records shall include:
- 1) **For Records created on or before July 1, 1995** – Any and all records reflecting evaluations of employee performance.
 - 2) **For Records created after July 1, 1995** –
 - a. Records that reflect “academic” evaluations of employee performance. “Academic” for the purposes of this policy means performance evaluation documents regarding employees designated as Academic Personnel (AP), employees in the General Faculty pay plan prior to the implementation of the AP classification, or other employees subject to the faculty or academic personnel evaluation process. Examples of such records are those resulting from academic evaluation processes such as tenure, promotion, annual evaluation, student evaluation of teaching (except records comprising the common core items contained in the State University System Assessment of Instruction instrument), Teaching Incentive Program (TIP), compression/inversion, other faculty awards, and merit increases. Records comprising the common core items contained in the University Student Assessment of Instruction instrument are not provided limited access status. The summary results of the common items, by course, shall be open for inspection in accordance with Chapter 119, F.S. However, raw data gathered on the forms completed by the students are limited access documents.
 - b. Records maintained for the purposes of any investigation of employee misconduct. Such records shall be confidential until the investigation ceases to be active, the University concludes the investigation with a finding to proceed or not to proceed with disciplinary action, or the University issues a letter of discipline. The records shall be open to University personnel conducting the investigation, the administrator responsible for the appointment and assignment of the employee investigated, and their respective designees. To the extent necessary to meet the due process requirements of applicable University policies, or

collective bargaining agreements, certain records of the investigation may be open to the employee investigated at the time indicated in the applicable policies, or agreements. A notice of proposed disciplinary action is confidential until a letter of discipline is issued or a decision is made not to proceed further with disciplinary action.

1. An investigation is presumed inactive if no finding is made within ninety (90) days, but the University may overcome that presumption through appropriate documentation in the records.
 2. For sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness, retain their confidential status even after the investigation is closed.
- E. Records maintained for the purposes of any disciplinary proceeding brought against an employee or of any grievance proceeding for enforcement of a collective bargaining agreement. Such records shall be confidential until a final decision is made in the proceeding. The records shall be open to University personnel conducting the proceeding, the administrator responsible for the appointment and assignment of the employee, and other University personnel representing the University in the proceeding. The record of the proceeding itself, including any evidence presented during the proceeding, is open to inspection by the employee.

References: 1001.74, FS.; 1001.75, FS. and relevant Collective Bargaining Agreements

History: NEW 2-1-06; Repealed 6C9-4

Adopted by the University of North Florida Board of Trustees as part of the University's Personnel Program on January 26, 2006.

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