# NOTICE OF REGULATION REPEAL

**December 1, 2005**

## DEPARTMENT OF EDUCATION

Division of Universities University of North Florida

## REGULATION TITLE:

Personnel

## REGULATION NOS.:

Chapter 6C9-4: 6C9-4.001, 6C9-4.003, 6C9-4.015, 6C9-4.021, 6C9-4.025, 6C9-4.026, 6C9-4.027, 6C9-4.030, 6C9-4.031, 6C9-4.032, 6C9-4.033, 6C9-034, 6C9-4.035, 6C9-

036, 6C9-4.1010 and 6C9-1011.

## SUMMARY:

The repeal of the Personnel chapter is being undertaken in order to establish and implement new regulations that are in accordance with current University practice and procedure.

## FULL TEXT:

The full text of the regulation for repeal is attached.

## AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003 and Florida Statutes 1001.74(19) and 1012.

## UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Shari Shuman, Vice President, Administration and Finance

## INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REVISED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2400, 4567 St. Johns Bluff Road South, Jacksonville, FL 32224.

***Any comments regarding the repeal of the regulation must be sent in writing to***

***the contact person on or before Thursday, December 15, 2005***

***(14 days from the date of posting this Notice) to receive full consideration.***

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## CHAPTER 6C9-4 PERSONNEL

6C9-4.001 Perquisites and Benefits.

6C9-4.003 Meritorious Service Awards Program. 6C9-4.015 Sexual Harassment.

6C9-4.021 Appointment Procedures for University Support Personnel System (USPS) Employees.

6C9-4.025 Non-reappointment and Resignation of University of North Florida Administrative and Professional Staff. 6C9-4.026 Grievance Procedure - Non-Unit Faculty and Administrative and Professional Employees.

6C9-4.027 Discipline and Termination for Cause of Non-unit Faculty and Administrative and Professional Employees. 6C9-4.030 Conflict of lnterest.

6C9-4.031 Outside Employment.

6C9-4.032 Employment of Relatives (Nepotism). 6C9-4.033 Political Activity.

6C9-4.034 Disruptive Conduct. (Repealed) 6C9-4.035 Employee Debt Collection.

6C9-4.036 Personnel Records; Limited Access.

6C9-4.1010 University of North Florida; Personnel Records - Limited Access. 6C9-4.1011 University of North Florida; Faculty Assignment and Evaluation.

## 6C9-4.001 Perquisites and Benefits.

1. Perquisites. No employee shall receive any perquisites from the University of North Florida without approval of the Department of Administration which approval shall indicate whenever appropriate the money value placed thereon.
2. Benefits, Fringe.

(a) Free Course Enrollment.

1. Full-time Administrative and Professional Employees and Faculty members of the State University System who have been employed for at least six months in the State University System and who meet academic requirements, may be allowed to enroll for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee, provided that such student credit hours generated shall not be used in calculating the student credit hours produced per full-time equivalent teacher; and provided further that this employee's fringe benefit shall be granted only on a space available basis. If an employee enrolls for a course, that period, including time taken to and from classes, will be charged to compensatory or annual leave unless the course work is required by the University as an extension of training for his current position. In the latter cases, the employee will not be required to make up the time lost while attending classes and it will be regarded as time worked.

2.a. Permanent full-time state employees, except those State University System employees covered under subparagraph 6C9-4.001(2)(a)l., F.A.C., who at the time of registration have been employed for at least six (6) months and who meet academic requirements may be allowed to enroll on a space available basis for up to six (6) credit hours of on-campus instruction per term without payment of the registration fee. The instruction must be in a job related course or program as determined by the employee and the supervisor designated by the agency.

b. Each state employee participating in this program shall file at the time of registration forms prescribed by the University of North Florida and the Department of Administration, including a certification signed by the employee and the designated supervisor that the course or program is job related. This certification shall also include a statement that the employee is not being paid by the State for the time involved and is qualified to participate.

1. Space available, as used in the context of this rule, refers to the enrollment capacity within a scheduled course or program offering. The University of North Florida will establish minimum and maximum levels of enrollments as well as the period of enrollment for state employees registering for these courses and program offerings.
2. The University of North Florida will establish criteria for designating courses and program offerings where direct costs increase with each student admitted. Space available enrollment as outlined above is not applicable in offerings so designated. These would include but not be limited to Thesis, Dissertation, and Directed Individual Study.
3. All student credit hours resulting from this program will be separately identified in enrollment reports by the University of North Florida.
4. Any state employee registering under this program for more than six (6) credit hours shall pay registration fees for the hours in excess of six (6). When different course levels are involved, the fees for the six (6) credit hours with the higher cost shall be waived.
5. Persons who supervise interns from institutions within the State University System may be given one non-transferable certificate for each full quarter during which the person serves as a directing teacher for university students engaging in classroom instruction. The University of North Florida also includes in this program persons who supervise interns where the supervisor is required to engage in direct supervision of an intern for 300 contact hours. For the purpose of this program, the 300 contact hours may be incurred over a number of quarters provided there is at least 75 hours of direct supervision per quarter.

Programs outside of traditional classroom instruction that are eligible for participation in this program include, but are not limited to the following: counselor education, rehabilitation counseling, music therapy, speech pathology, and audio therapy, public administration and allied health sciences. Participation in this program must be based on the fact that intern supervision outside of classroom instruction is an essential part of the course of instruction and degree requirement for the students in the respective area of endeavor. The certificate entitles the holder to register at any state university by payment of only the building fee, the capital improvements fee, the student financial aid trust fund fee for each credit hour attempted for up to one term of instruction including courses offered through continuing education programs of the State University System. The certificate must be signed by an appropriate academic officer of the University of North Florida. The certificate will be valid for not more than five years from the date of issue. One non-transferable certificate will be given to persons who attend an approved required training session for the preparation of intern supervisors.

*Specific Authority 240.209, 240.227 FS. Law Implemented 240.227(1), (IO) FS., Chapter 79-212, Section 21, Laws of Florida, 6C-5.020, F.A.C. History-New 11-14-79, Formerly 6C9-4.01.*

## 6C9-4.003 Meritorious Service Awards Program.

1. The University of North Florida (UNF) Meritorious Service Awards Program provides for recognition of eligible employees.
2. The University is authorized to expend State funds for recognition and awards to employees in compliance with this rule. Any award will be contingent upon the availability of funds. Nothing in this rule is intended to govern the expenditure of private funds to which the University may have access.
3. The awards provided for herein shall acknowledge employee achievement in the following three components:
	1. Suggestion - A procedure or idea submitted by a faculty member or University Support Personnel System (USPS) employee that, when implemented, results in eliminating or reducing expenditures, improving operations, or generating additional revenues for the State University System. Three types of suggestions may be considered:
		1. Tangible, i.e., having a measurable outcome in terms of cost savings or revenue generation;
		2. Intangible, i.e., proposing improvements in procedure that enhance safety, convenience, etc., but cannot be calculated in dollar terms; or
		3. Trigger, i.e., not directly providing the solution to the problem being addressed, but triggering the action necessary to bring about a solution that might have been overlooked otherwise.
	2. Superior Accomplishment - Exemplary performance by faculty members, Administrative and Professional (A & P) or USPS employees, that is deemed to have significantly contributed to their respective field, thereby reflecting positively on the caliber of the University of North Florida.
	3. Service - Sustained satisfactory service with the University of North Florida by faculty members, A & P or USPS employees.
		1. Eligible employees may be recognized for service upon retirement.
		2. Eligible employees also may be recognized upon achieving increments of five continuous years of satisfactory service at the University of North Florida.
4. Suggestion Program Component.
	1. In order to be eligible, suggestions must be submitted on form UNF-750 and signed by the suggested(s). Form UNF-750, effective December 1, 1987, may be obtained from the Office of Human Resources and is hereby incorporated by reference. The following suggestions are ineligible:
		1. Suggestions that deal with personal grievances or compensation and classification of positions;
		2. Suggestions which could be implemented by the employee without prior clearance or approval from a supervisor or department chair and are a logical extension of an assigned duty and responsibility; or
		3. Suggestions which are a duplicate of, or significantly similar to, a suggestion which has been adopted by another university of the State University System.
	2. Suggestion System Coordinator - The Suggestion System Coordinator, who is appointed by the University President upon recommendation of the Director of Human Resources, is responsible for the suggestion component by administering internal procedures for timely processing of suggestions, assuring appropriate evaluations, following up on recommendations to adopt or not adopt a suggestion, and promoting the suggestion system with support from other designated individuals, as appropriate.
	3. Employee Suggestions.
		1. Employee suggestions shall be processed and a final determination made by 90 days from the date it is received by the Coordinator. Adoption of an employee suggestion must be made within this prescribed period. Extensions, not to exceed another 90 days, may be granted by the University President based on the following criteria:
			1. The suggestion was properly documented, and failure to make a final determination within 90 days was not caused by any action of the employee making the suggestion.
			2. The Director of the Office of Human Resources recommends the extension.
		2. When an employee's suggestion is significantly modified during the evaluation process so that the suggestion is adopted in a different form, the employee shall be eligible for an award if the original suggestion was directly responsible for the University's taking action; under these circumstances, the suggestion will be deemed a "trigger".
		3. A suggestion which is not adopted will be kept on file for one year from the date originally received by the Coordinator. The original suggester will be eligible for an award as provided by this rule if the suggestion is adopted during this time. Thereafter, the suggestion must be resubmitted by any eligible employee before it can be reconsidered.
		4. If the University of North Florida adopts and implements a suggestion previously implemented by another university, the suggester will not be entitled to any additional monetary reward.
		5. A suggestion may be made by a group of employees and the amount of any award shall be divided among those employees making that suggestion.
		6. Tangible suggestions may be recognized through cash awards, U.S. Savings Bonds, or other items in lieu of cash. Normally, the amount of cash or the cost of the bonds or other items shall not exceed 10% of the first year's actual savings or revenue mcrease.
			1. Cash awards for tangible suggestions will be made after the suggestion has been implemented and actual savings or revenues for the first year have been calculated. However, a partial award may be made if the University wishes to provide recognition to an employee in a more timely manner and chooses to measure benefits based on other criteria. Final payment should be paid promptly after the first year's savings or revenues have been documented.
			2. Any payment of cash to an employee as the result of a fraudulent action award must be recovered from the employee.
		7. The amount of a cash award for an intangible or "trigger" suggestion that is adopted shall be based on a prorated measure of the suggestions' worth, not to exceed $300.00 in cost. U.S. Savings Bonds or other items awarded in lieu of cash shall not exceed

$300.00 in cost. Certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition may be awarded in lieu of cash to honor eligible employees for intangible or "trigger" awards, provided that the cost of the token does not exceed

$50.00.

* + 1. The acceptance of an award for any suggestion adopted through this program shall constitute an agreement by the employee that the employee waives all claims, immediate and future, on the State of Florida, regardless of the use of the suggestion.
1. Superior Accomplishment Component.
	1. Awards for superior accomplishment may be presented to eligible employees on an individual basis or collectively for outstanding group performance. No lump sum bonus will be awarded to employees based solely on their performance.
	2. No cash award granted under the superior accomplishment component shall exceed $1,000.00. U.S. Savings Bonds or other items in lieu of cash may be awarded, provided the cost of such item does not exceed $1,000.00.
	3. The University may award certificates, pins, plaques, letters of commendation, or other appropriate tokens of recognition for superior accomplishment, provided that the cost of the token does not exceed $50.00.
2. Service Award Component.
	1. The University may recognize retiring employees whose service has been satisfactory. Awards for retirees may take the form of suitable framed certificates, pins, or other tokens of recognition and appreciation, provided such awards do not cost in excess of $50.00 each.
	2. The University may recognize employees who have attained continuous satisfactory service in increments of five years. Awards for satisfactory service may take the form of suitable framed certificates, pins, or other .tokens of recognition, provided such awards do not cost in excess of$10.00 each.
3. The University shall submit to the Board a calendar year report outlining their level of participation in the Meritorious Service Awards Program.
	1. The report shall include at least the following items:
		1. The number of suggestions made;
		2. The number of awards made to employees for adopted suggestions;
		3. The actual cost savings realized as a result of implementing employee suggestions;
		4. Total expenditures incurred by the University for providing awards to employees for adopted suggestions;
		5. The number of employees recognized for superior accomplishments; and
		6. The number of employees recognized for continuous satisfactory service to the University.
	2. The University's Office of Human Resources shall be responsible for regular monitoring of departments in order to gather data regarding the number of individual employees recognized under any component of this program and the monetary impact of such recognition.

*Specific Authority 120.53(l)(b), 240.227(1) FS. Law Implemented 240.2111 FS. History-New 12-20-87, Amended 1-31-89.*

## 6C9-4.015 Sexual Harassment.

1. Policy Statement. It is the policy of the University of North Florida that each member of this community be allowed to work or attend class in an environment free from any form of sexual harassment as prohibited by state and federal statutes.
2. Definition of Sexual Harassment.
	1. Sexual Harassment of an Employee or Applicant for Employment. Sexual harassment of an employee or applicant for employment is defined as unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature from any person when:
		1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement, or other employment-related benefits; or
		2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
		3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
	2. Sexual Harassment of a Student. Unwelcome sexual advances, requests for sexual contact, and other verbal or physical conduct of a sexual nature constitute sexual harassment, including, but not limited to, instances when:
		1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic achievement;

or

* + 1. Submission to or rejection of such conduct is used as a basis for decisions regarding the evaluation of a student's academic

achievement; or

* + 1. Such conduct has the purpose or effect of interfering with an individual's academic performance or creating an intimidating, hostile, or offensive academic environment.
1. Dissemination of Policy.
	1. Employees. It shall be the responsibility of the Director of Personnel to disseminate the Sexual Harassment Rule to all employees of the University, and they will be apprised of the rule by at least the following methods:
		1. Upon adoption of the Sexual Harassment Rule, each current employee, and thereafter each new employee, shall be furnished with a copy of the rule. Said rule shall be accompanied by an implementing statement which shall include the office, address, and telephone number of the person or persons designated by the President to receive complaints arising from matters addressed by this rule as well as a list of offenses that may constitute sexual harassment and a list of penalties applicable thereto. Should this information change at any time, the University shall publish and disseminate to all employees written notice of such change.
		2. Upon adoption of this rule, each current employee and thereafter each new employee, after having been furnished with a copy of this rule, shall have the opportunity to discuss and ask questions, shall be apprised of possible discipline for any violation thereof, and shall sign a written statement to that effect which shall be placed in the employee's permanent file.
		3. It shall be the obligation of the University to train its administrators and supervisors in implementation of this rule.
	2. Students. Students shall be made aware of the University's Sexual Harassment Rule by its being printed in one or more publications of general availability and circulation including, but not limited to, the catalog, Student Information Handbook (or equivalent) and/or the Spinnaker (or equivalent newspaper). Information shall include the office, address, and telephone number of the person or persons designated by the President to serve to receive complaints arising from matters addressed by this rule as well as a list of offenses that may constitute sexual harassment and a list of penalties applicable thereto. Should this information change at any time, the University community will be advised as provided by Section 120.54(l)(a)l. thru 3., F.S., and additionally the University shall publish and widely disseminate notice of such change.
	3. Vendors. The Director of Purchasing is responsible for disseminating the Sexual Harassment Rule to vendors. Vendors will be apprised of the rule by the contract or purchase order.
	4. Contractors.
		1. Anyone affiliated with UNF who enters into contract with others not connected with the University is responsible for informing them of the Sexual Harassment Rule.
		2. Anyone not otherwise affiliated with UNF, who enters into contract with the University, is responsible for apprising others under his/her purview of the Sexual Harassment Rule. This would include but not be limited to Consultants, Sub-Contractors and employees of said contractor.
2. Disciplinary Actions.
	1. Any employee of the University who is found to have sexually harassed a student, another employee or an applicant for employment will be subject to disciplinary action up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.
	2. Any student who engages in sexual harassment of an employee may be subject to disciplinary action up to and including expulsion.
	3. Any employee employed in a supervisory capacity who has knowledge of a complaint or a complainable offense as defined under (2), involving any of those employees he/she supervises, and who does not take corrective action or report the matter directly to the President or President's designee shall be subject to discipline up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.
	4. Any employee in a supervisory capacity who has knowledge of a complaint or a complainable offense involving another supervisor, or involving an employee(s) supervised by another supervisor, or involving a student(s) in the class(es) of another supervisor's employee and who does not take appropriate corrective action or report the matter directly to the President or President's designee shall be subject to discipline up to and including dismissal. The nature of the punishment shall be guided by the seriousness of the offense.
	5. Any employee or student who knowingly files a false complaint of sexual harassment or who knowingly provides false testimony shall be subject to discipline up to and including dismissal or expulsion. The nature of the punishment shall be guided by the seriousness of the offense.
3. Procedure for Filing a Complaint.
	1. The President may delegate to the EEO Officer the authority and responsibility to receive, conciliate and investigate complaints of sexual harassment, and to make recommendations to the Vice President under whose administrative authority the person against whom the complaint has been lodged falls (hereinafter referred to as the appropriate Vice President).
	2. Any applicant for employment, employee or student who believes that he/she is a victim of sexual harassment may seek guidance and counseling by requesting an interview with the EEO Officer. The Complainant will be advised of the options available through University procedures, through the collective bargaining agreement, through the Florida Commission on Human Relations, through the federal Equal Employment Opportunity Commission, and any others that may currently exist or may subsequently be enacted. The EEO Officer will also provide the opportunity to resolve the complaint informally without invoking the investigatory procedures set forth below. Any discussions at this level will be handled with utmost discretion.
	3. If the complaint cannot be resolved informally, and if the Complainant desires to avail himself / herself of the formal options available pursuant to this rule, then a written complaint of sexual harassment must be filed. No formal action, including investigation, may be undertaken unless and until a formal complaint is filed. This provision shall not limit the University in any way from initiating its own investigation and taking appropriate action should such be deemed warranted under the circumstances presented.
	4. After receiving the signed written complaint, the EEO Officer shall:
		1. Notify the Complainant and the person against whom the complaint has been filed of the complaint, of the allegations contained therein and provide an opportunity for response thereto. At all points of the procedure, the Complainant and the person against whom the complaint has been filed shall be kept informed;
		2. Review the complaint and determine if additional information is needed to supplement the complaint;
		3. Conduct a full and complete investigation of the complaint;
		4. File with the appropriate Vice President a written report detailing the findings of the investigation and a recommendation of appropriate action.
		5. The investigation conducted pursuant to this section shall be performed on a confidential basis, and all means necessary to safeguard the rights of the person against whom the complaint has been filed, the Complainant, witnesses, and any others involved in the proceedings, shall be utilized.
	5. The report and recommendation of the EEO Officer shall be submitted to the appropriate Vice President. If, after reviewing the report and recommendation, the Vice President determines that the complaint is without merit, the Vice President shall render a written decision dismissing the complaint. If, after reviewing the report and recommendation, the Vice President determines that disciplinary action is warranted, the Complainant and the person against whom the complaint has been filed will be given written notice of the proposed disciplinary action and the reasons therefor. The written notice will also advise the person against whom the complaint has been filed that he/she has the right to appear before the Vice President at an investigatory interview and submit written or oral evidence on his/her behalf. The Complainant shall be notified of any investigatory interview and shall also have the right to appear and present evidence at the investigatory interview. After reviewing all of the evidence, including any evidence submitted at the investigatory interview, the Vice President shall render a written decision either dismissing the complaint or taking appropriate action. A copy of the written decision shall be sent via certified mail to the Complainant and to the person against whom the complaint has been filed. The President may delegate to the appropriate Vice President the authority to take disciplinary action, including dismissal or expulsion, under this subsection.
	6. Subject to the limitations set forth below in subsections (8)(a) and (b), either the Complainant or the person against whom

the complaint was filed may appeal the decision of the Vice President to the President. After reviewing the decision of the Vice President, and all other evidence upon which the decision was based, the President shall render a final written decision, affirming, modifying, or reversing the decision of the Vice President. A copy of the President's written decision shall be sent via certified mail to the Complainant and to the person against whom the complaint has been filed.

* 1. All of the above procedures apply to vendors and non-employee contractors, except that the EEO Officer may consult with the appropriate administrative officer of the University to determine procedures for investigation and the action that will be taken. Action can include revocation of the contract when it is deemed necessary.
1. Time Limitation for Receipt of Formal Complaints, Investigation, and Disposition.
	1. Any written complaint filed under this section must be filed with the EEO Officer within sixty (60) calendar days after the alleged occurrence of the harassment incident.
	2. Upon receipt of a written complaint, the EEO Officer shall render a written report and recommendation within twenty (20) working days. This time period may be extended at the discretion of the EEO Officer should an extension be necessary in order to ensure a full, fair and complete investigation. The EEO Officer shall give notice to the parties if such an extension is deemed necessary.
	3. The Vice President shall render a written decision dismissing the complaint or initiating formal disciplinary action within ten (10) working days of receipt of the EEO Officer's report and recommendation. The person against whom the complaint has been filed shall notify the Vice President within five (5) working days of receipt of the notice of proposed disciplinary action of his/

her desire to appear before the Vice President and present written or oral evidence at an investigatory interview. In cases where an investigatory interview is conducted, the Vice President shall render a written decision dismissing the complaint or taking appropriate disciplinary action within ten (10) working days after the investigatory interview.

* 1. Any appeal to the President must be filed with the President within ten (10) working days of receipt of the Vice President's decision. The President shall render a final written decision within fifteen (15) working days of receipt of the notice of appeal.
1. Retaliation Procedure.
	1. Complainants who feel that they have been retaliated against for exercising their rights under this Sexual Harassment Rule shall have the right to file a retaliation complaint with the EEO Officer.
	2. Retaliation complaints shall be handled in the same manner and utilizing the same procedures set forth above in subsection

(5).

1. Election of Remedies; Complainant's Right to Seek Remedy Outside the University.
	1. The doctrine of election of remedies shall apply to complaints filed pursuant to this rule. Should a Complainant elect to

pursue an alternative remedy available to him/her, including the filing of a grievance pursuant to the collective bargaining agreement, or pursuant to the University's Career Service rules, the filing of any such grievance shall operate as a waiver of the Complainant's right to file a complaint and avail himself/herself of the procedures available under this rule. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a Complaint under this rule but before proceedings under this rule have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this rule shall be terminated.

* 1. The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement, the filing of an appeal to the Career Service Commission, or the filing of a petition for a hearing pursuant to Section 120.57, F.S., shall operate as a waiver of the right to appeal to the President the decision of a Vice President pursuant to this rule.
	2. The filing of a complaint under this rule shall not affect a Complainant's right to file a timely charge of discrimination pursuant to an appropriate federal or state statute, including the filing of a timely charge with the Florida Commission on Human Relations or the Equal Employment Opportunity Commission.

*Specific Authority 120.53(l)(a), 240.227(1) FS. Law Implemented 110.105, 110.112, 120.53(1)(c), 228.2001, 240.227(6), 240.261(2), 287.093,*

*287.094, 760.01, 760.10 FS. History-New 12-21-83, Amended 5-15-85, Formerly 6C9-4.15.*

## 6C9-4.021 Appointment Procedures for

## University Support Personnel System

## (USPS) Employees.

General Information.

1. The Office of Human resources is responsible for recruitment, examination, screening, and selection for referral of all applicants for full and part time USPS positions. The Office is also responsible for appointments to all temporary positions, other than faculty positions, and approval of subsequent appointments, reassignments, promotions, and demotions including entrance salaries. All actions taken by the Office shall be without regard to any person's race, color, sex, religion, creed, national origin, political opinions or affiliations, age except as provided by law, veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act, or handicap, unless the handicap prevents satisfactory performance of required duties. The Office complies with the University's approved Affirmative Action Plan(s) and all State and federal laws regarding employment.
2. The employment function is the responsibility of the Office of Human Resources. Appointments will be approved and an offer of employment letter made in behalf of the University by the Office of Human Resources upon recommendation of the hiring administrator. The authority to hire an applicant referred by the Office of Human Resources for employment or promotion is vested in the department or unit having the vacancy. The Office of Human Resources shall only refer the appropriate qualified applicants and has the specific authority to reject appointment recommendations for applicants who are not qualified or who have not been referred according to the stated procedures. The Office of Human Resources will not refer USPS employees with conditional or unsatisfactory performance ratings in effect. Should the conditional or unsatisfactory rating be removed, the employee again could become a candidate for another position.
3. Minors seeking employment must have reached their sixteenth (16) birthday prior to being employed by the University.
4. Former employees terminated because of unsatisfactory performance, job abandonment, or misconduct are not eligible for rehire. Former employees will apply to and be processed by the Office of Human Resources in the same manner as new applicants.

*Specific Authority 120.53(1), 240.227(1), (5) FS. Law Implemented 120.53(1), 240.227(1), (5) FS. History-New 6-22-87.*

## 6C9-4.025 Non-reappointment and Resignation of University of North Florida Administrative and Professional Staff.

1. Resignation by the employee - University of North Florida staff members shall give three months notice of resignation if possible.
2. Non-reappointment by the employer.
	1. University of North Florida staff members, except those with less than five years continuous service who are on "soft money", e.g., contracts and grants, sponsored research funds, and grants and donations trust funds, are entitled to written notice that they will not be offered further appointment as follows:
		1. For employees in their initial year of employment, three months prior to expiration of their contract;
		2. For employees in their second year of employment, six months prior to the effective date of non-appointment;
		3. For employees with two or more years of service, twelve months prior to the effective date of non-reappointment. The decision not to offer further appointment to a University of North Florida staff member shall not be based on constitutionally impermissible grounds.
	2. In the event of a break in service for more than four consecutive months in a year, only service following such break shall be counted in determining years of employment under this section. "Break in service" is defined.as absence, not including approved leaves of absence, following which the employee is treated as a new employee.
	3. An employee who receives a written notice that the employee will not be offered further appointment shall be entitled upon request to a written statement within 10 working days from date of receipt of request of the basis for the decision not to reappoint.
	4. Following receipt of the notice of non-reappointment, a University of North Florida staff member may be reassigned to other duties and responsibilities. Regardless of a reassignment, however, the employer is committed to compensate the employee until the effective date of non-reappointment.

*Specific Authority 240.227(1) FS. Law Implemented 240.209(3)(e), 240.227(5) FS. History-New 10-23-83, Formerly 6C9-4.25, Amended 11-28-88.*

## 6C9-4.026 Grievance Procedure - Non-Unit

## Faculty and Administrative and

## Professional Employees.

1. Purpose.
	1. The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit.
	2. All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not normally be necessary.
	3. It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this rule. Further, since it is not intended that the grievance procedure be a devise for appellate review, the response of the President or his designee to a recommended order of a presiding officer acting pursuant to Chapter 120, F.S., or to other individuals or groups having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.
	4. All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the University or its representative to provide a decision within the time limits provided in this rule, the grievant may appeal to the next appropriate step. Upon this failure of the grievant or counsel to file an appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.
2. Definitions.
	1. The term "grievance" means a dispute concerning promotion, non-renewal and termination of employment contracts, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to Chapters 6C-5 and 6C9-4, Florida Administrative Code.
	2. The term "grievant" means a member or members of the University of North Florida Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit whose rights have been directly affected by an act or omission of the University or its representative and who has filed a grievance.
	3. The term "days" means calendar days. In the event an action falls due on Saturday, Sunday, or a State holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.
	4. The term "substantial interest" means an act or omission involving termination, suspension, or other discipline for just cause, non-renewal of employment contract, salary and layoff.
	5. The term "university" means the University of North Florida.
3. Grievance Procedures.
	1. Step One - All grievances will be filed with person designated by the President as Step One representative for the area of the University in which the grievant performs duties (such as Academic Affairs, the College, Administration and Planning, Student Affairs, and University Relations) within 25 days from the date following the act or failure to act giving rise to the grievance, or 25 days from the date the grievant knew or should have known of the act or omission.
		1. The written grievance should contain the grievant's name; name and address of counsel, if any; specific rules or statutes claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; remedy sought; signature and date. A copy of the grievance should be provided by the grievant to the Director of the University Personnel Relations.
		2. A Step One meeting must be scheduled by the Step One representative no later than 15 days after receipt of the grievance. In advance of Step One meeting, the grievant has the right upon request to a copy of any identifiable documents relative to the grievance. At this meeting, the grievant has the right to present any evidence in support of the grievance.
		3. Within 15 days after the scheduled meeting, the Step One representative will issue a written decision, stating the reasons for the decision. The decision will include a finding as to whether the grievance concerns a substantial interest in the grievant and/or whether any issue of fact material to the grievance remains in dispute.
	2. Step Two.
		1. If the grievance is not satisfactorily resolved and it has not been determined that a substantial interest of the grievant is not involved, the grievant may file a written request for review to the President within 15 days of the date of receipt of the Step One decision. The President or designee will schedule a meeting with the grievant no later than 15 days after the request for review was filed. The meeting will offer the opportunity for the grievant to present written or oral evidence in support of the grievance no later than 25 days after the meeting, the President will issue to the grievant a written decision on the matter, stating the reasons for the decision.
		2. If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is involved, the grievant may file with the President a written appeal for review no later than 25 days after receipt of the Step One decision. If determined in the Step One decision that material facts remain in dispute, the President or designee or a hearing officer assigned by the Division of Administrative Hearings (DOAH) will conduct a hearing according to provisions contained in Section 120.57(1),

F.S. If a Section 120.57, F.S., hearing is waived (in writing) by all parties, the hearing may be conducted as provided by Section 120.57(2), F.S.

*Specific Authority 240.227(1) FS. Law Implemented 120.57, 240.227(1), (5) FS. History-New 7-16-87.*

## 6C9-4.027 Discipline and Termination for Cause of

## Non-unit Faculty and Administrative

## and Professional Employees.

1. Just cause shall be defined as:
	1. Incompetence, or
	2. Misconduct.
2. Termination and Suspension.
	1. The appointment ofa non-unit faculty or an A & P staff member may be terminated or suspended during its term for just cause. The employee shall be given written notice of termination or suspension by the President or his designee. The notice shall state the reasons for the termination or suspension. The termination or suspension imposed under this subsection shall take effect when either the time for filing a grievance under Rule 6C9-4.026, F.A.C., as applicable has passed, or, in the event a grievance is filed, after final administrative action has been taken thereon. During the period following notice, the employee may, at the discretion of the President or his designee, be reassigned.
	2. The President or his designee retains the right to impose disciplinary action, other than termination or suspension, for just cause. The employee shall be given written notice of any disciplinary action. The President or his designee shall state in the notice reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in Rule 6C9-4.026, F.A.C. Within two work days, excluding weekends and official holidays, the President or President's designee shall serve written notice upon the employee, including a statement of the reasons for any action taken. If the employee has been suspended without pay and ultimately prevails in the grievance procedure, the employee shall be reinstated with back pay.

*Specific Authority 120.53(J)(a), 440.227(1) FS. Law Implemented 120.53(1)(c), 240.227(1), (5) FS. History-New 7-16-87.*

## 6C9-4.030 Conflict of Interest.

1. No employee shall solicit or accept anything of value that would be influential to the performance of official duties or that is based upon an understanding that the official action or judgment of the employee would be influenced thereby.
2. No employee may rent, lease, or sell realty, goods, or services to any employee of the University unless the contract was entered into before October 1, 1975, or before beginning public employment. Neither may an employment or contractual relationship with a business entity which is doing business with the University. However, this subsection shall not prohibit the business relationships described if:
	1. The business is awarded under a system of competitive bidding as provided by Section 112.313(12), F.S.;
	2. The total amount accruing to the employee from the transaction for one year is $500.00 or less; or
	3. Another exemption provided by Section 112.313(12), F.S., is applicable.
3. No employee may corruptly use or attempt to use that employment or any property or resource within that employment to secure a privilege, benefit, or exemption for such employee or anyone else.
4. No employee shall have an employment or contractual relationship that will create a continuing or frequently recurring conflict between that employee's private interests and the performance of public duties. However, this subsection shall not prohibit an employee from having an occupation when that occupation by a person holding such public employment is required by law.
5. No employee may disclose or use information not available to the general public which was gained because of that employee's position for personal benefit or for the personal benefit of another person or business entity.
6. If an employee is an officer, director, partner, proprietor, associate, or general agent (other than an agent solely for service of process) of, or owns, as defined in Section 112.312, F.S., a material interest in a business having a privilege to operate in Florida, that employee shall file a statement disclosing such facts with the Department of State as required by Section 112.313, F.S.

*Specific Authority 240.227(1), (5) FS., 6C-5.245, F.A.C. Law Implemented 112.313, 112.3145, 240.227(1), (5) FS. History-New 6-30-87.*

## 6C9-4.031 Outside Employment.

1. "Outside employment", as used herein, means any employment entered into or compensation received in addition to employment at the University, except that additional employment with another state agency, including another university of the State University System is not considered outside employment. Additional state employment must be approved in advance under the provisions of Rule 6C-5.825, F.A.C., "Additional State Compensation for State University System Employees."
2. The responsibility of each faculty member, Administrative and Professional staff member and University Support Personnel System (USPS) employee (hereinafter referred to as "employee") is the full and competent performance of all duties pertinent to his/her employment with the University. Outside employment which interferes with the employee's obligations to the University is prohibited.
3. Before a faculty member or an Administrative and Professional employee may engage in outside employment, he/she must obtain the approval of the President or the President's designee. Form UNF 82-2 "Report of Outside Employment for Faculty and A & P Personnel" is incorporated herein and effective 7/22/87, shall be filed with the President or the President's designee to obtain said approval. These forms may be obtained from the Office of Human Resources.
4. The President or the President's designee shall initially determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee's duties.
	1. In the event the proposed outside employment is deemed by the President or the President's designee to constitute such a conflict of interest or interference with the employee's duties, the matter shall be discussed with the employee as soon as possible.
	2. If the President or the President's designee finds, following such discussion, that the proposed employment is a conflict of interest or interferes with the employee's duties, the President or the President's designee shall promptly notify the employee of.the decision that the employee may not engage in the proposed activity while employed at the University.
5. Authorization for outside employment is granted for a specific period of time, not to exceed one year ending June 30th. If outside employment is to extend beyond June 30th or to exceed one year, a new application must be submitted prior to July 1 of each new fiscal-year period.
6. Any USPS employee who proposes to engage in any outside employment must report to the employee's immediate supervisor as soon as practical in advance the particulars of such employment. The immediate supervisor shall initially determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee's duties. The immediate supervisor shall report his/her determination to the next level supervisor. If they determine that the proposed outside employment appears to constitute such a conflict of interest or interference, the matter shall be discussed with the Director, Department Chairperson or higher supervisory designee in the employee's work area, immediately. If the Director, Department Chairperson or higher supervisory designee finds, following such discussion, that the proposed employment is a conflict of interest or other interference with the employee's duties, the employee shall be notified promptly that he/she may not engage in the proposed activity while employed as a USPS employee.
7. No employee shall claim to be an official University representative in connection with any outside employment or use the University's name and/or reputation to promote such activities.
8. An employee may request to use office facilities and equipment in connection with outside employment. Such requests must be made on Form UNF 82-2. One condition for the approval of such request shall be prior approval of the outside employment and reimbursement for any direct costs to the University occasioned thereby.
9. All employees shall observe and fully comply with Chapter 112, Part III, F.S., "Code of ethics for Public Officers and Employees", and Rule 6C9-4.030, F.A.C., concerning, conflict of interest.

*Specific Authority l 20.53(l)(a), 240.227(1), (5) FS. Law Implemented l 20.53(J)(a), 240.227(5) FS. History-New 7-22-87.*

## 6C9-4.032 Employment of Relatives (Nepotism).

1. The employment of relatives at the University of North Florida is allowed where there is no conflict of interest, no direct or indirect supervisory responsibility between relatives, and where functions of positions do not overlap or require authorization, validation, approval, etc. of both parties. While the employment of related persons in the same organizational unit or in a job-related organizational unit is not encouraged, such employment is permitted when there is no conflict of interest and there is a demonstrated critical shortage of qualified applicants.
2. Definitions.
	1. Related Persons - For the purpose of this procedure, "related persons" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.
	2. Conflict of Interest - For the purpose of this procedure, "a conflict of interest" includes, but is not limited to, participation by the relative making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluations, promotion, demotion, or salary of the related person and any attempt to influence a relative's supervisor With any regard to matters concerning that relative. An employee may not be in the supervisory line of a relative even though they are separated by intermediary positions.
3. Procedures - USPS and Administrative & Professional Employees.
	1. A request for the employment of related USPS or Administrative & Professional persons in the same organizational unit or in job-related organizational units should be submitted by memorandum to the Director of Human Resources prior to the employment of the related person. The memorandum shall be prepared by the department making the request. The request should be routed through, and have the concurrence of the appropriate department head, dean, and vice president.
	2. The request must document that the recruitment efforts were unable to identify a qualified applicant to fill the vacant position or contain justification for requesting an exception to this rule.
	3. The Director of Human Resources shall determine that a conflict of interest will not occur if the relative is employed and that there was a critical shortage of qualified applicants.
	4. The Director of Human Resources will provide written notification of the action taken to the following: the appropriate vice president and the department head making the request. The department making the request shall notify the affected individual.
4. Procedures -Faculty and Adjunct Employees.
	1. A request for the employment of related faculty persons in the same organizational unit or in job-related organizational units should be submitted by memorandum to the Provost Nice President for Academic Affairs, and a copy should be sent to the Director of Human Resources, prior to theemployment of the related person. The memorandum should be prepared by the department making the request.
	2. The request must document that the recruitment efforts were unable to identify a qualified applicant to fill the vacant position or contain justification for requesting an exception to this rule.
	3. The Provost/Vice President for Academic Affairs shall determine that a conflict of interest will not occur if the relative is employed and that there is a critical shortage of qualified applicants.
	4. The ProvostNice President's office will provide written notification of the action taken to the appropriate dean or department head, and a copy sent to the Director of Human Resources. The department making the request shall notify the affected individual.
5. Violations and Penalties.
	1. In the event a relative covered by this procedure is hired without approval, by intentionally or unintentionally failing to disclose a conflicting relationship, the employee last hired will be subject to one or more of the following actions: transfer, reassignment, and/or disciplinary actions including suspension without pay or dismissal'. The action taken will depend upon the circumstances and will be made by the Provost/Vice President for Academic Affairs for faculty members and by the appropriate vice president for all others.
	2. Any attemptby art employee to influence a relative's supervisor with regard to matters concerning the relative will be considered misconduct and will normally result in a disciplinary action of one to five days' suspension without pay. This rule is applicable to all employees.
	3. Actions considered and/or taken with regard to Item (5)(a) or (b) above will follow normal University procedures with regard to notification, time limitations, grievances, and appeals.

*Specific Authority 120.53(l)(a), 240.227(1), (5) FS. Law Implemented 120.53(1)(a), 240.227(1), (5) FS. History-New 7-27-87.*

## 6C9-4.033 Political Activity.

Employees.

1. Any employee may seek election to and hold public office upon notification of the President.
2. When an employee elects to run for and hold public office and such action is judged by the President to interfere with the full discharge of the employee's duties, then the employee must obtain leave of absence or submit his/her resignation.
3. All employees shall adhere to the provisions and spirit of Section 10431, F.S.

*Specific Authority 120.53(1)(a), 240.227(1) FS. Law lmplemented104.31, 112.313, 120.53(1)(a), 240.227(1), 240.261 FS. History-New 6-30-87.*

## 6C9-4.035 Employee Debt Collection.

1. Purpose. Pursuant to Section 240.291, F.S., the University of North Florida is directed to exert every effort to collect all delinquent accounts. The purpose of this rule is to provide procedures for collection of funds, other than educational loans collectable pursuant to Section 112.175, F.S., owed to the University by its employees.
2. Employee debts for which the University has responsibility for collection and which are subject to collection under this rule include the following accounts receivable: Registration fees, returned checks, traffic and parking fines, library fines, educational resources fines/sales, graduation fees, health services, rental fees, housing, physical education equipment, travel advance reimbursements, disallowed revolving fund reimbursements, overpayment to employees, and other miscellaneous charges.
3. Accounts Receivable Other than Returned Checks.
	1. Collection Procedures. Amounts due from an employee shall be placed in the University's Accounts Receivable billing system after routine attempts by the department to obtain payment of any accounts receivable are unsuccessful. If the University does not receive payment within three (3) months of the date of the first billing or suitable payment arrangements have not been made, the employee shall be notified pursuant to paragraph 6C9-4.035(3)(b), F.A.C., that set off procedures shall be implemented with respect to his/her debt.
	2. Set-Off Procedures. The employee shall be notified by certified letter, return receipt requested, that he/she has ten (10) calendar days from receipt of the letter to either pay all sums due, make satisfactory payment arrangements, submit documentary evidence disputing his/her debt, or request administrative review of the decision to set-off his/her debt through a deduction of funds from the employee's paycheck. The notice shall further advise the employee that the set-off of wages shall commence without further notice following the expiration of the ten (10) day notice period unless the employee has taken appropriate action and shall include the amount and duration of the deductions which shall be made from his/her salary warrant.
	3. Calculation of Payroll Deduction.
		1. In the event that the total amount of the debt is less than ten percent (10%) of the employee's biweekly gross salary, the full amount of the employee's debt shall be deducted in the first or second pay period following the expiration of the ten (10) day notice period given to the employee.
		2. If the amount of the debt is greater than ten percent (10%) of the employee's biweekly gross salary, the amount deducted each pay period shall not exceed ten percent (10%) of the employee's gross salary.
		3. In the event that an employee-debtor is terminated or voluntarily leaves the University's employ, the entire amount of the debt shall be deducted from the employee's final paycheck.
4. Accounts Receivable - Returned Checks.
	1. Collection Procedures, Set-Off Procedures. When a check written by an employee to the University is returned uncollected, the employee shall be notified by certified letter, return receipt requested, of the returned check and the employee shall be required to make full payment of the check and return check charge within ten (10) calendar days from receipt of the letter. The notice shall further advise the employee that if the check is not redeemed within the ten (10) day period, the check and return check charge shall be forwarded to the Payroll Office for payroll deduction without further notice.
	2. Calculation of Payroll Deduction. The full amount of the returned check and return check charge shall be deducted in the first or second pay period following referral of the account to the Office of Student Financial Services.

*Specific Authority 120.53, 240.227 FS. Law Implemented 240.291 FS. HistoryNew 5-26-93.*

## 6C9-4.036 Personnel Records;

## Limited Access.

1. The Director of Human Resources, who is the official custodian of all University personnel records, shall designate in coordination with the Office of Academic Affairs those staff members and University officials who shall have access to the records of University personnel. In accordance with Florida law, the University shall designate the following records as "limited-access records" which are confidential and exempt from the provisions of Section 119.07(1), F.S. Such limited-access records shall be open to inspection by the employee who is the subject of the records, by University officials responsible for the supervision of the employee, and by the President as required for use in the discharge of his official responsibilities.
	1. Records created on or before July 1, 1995 -Any and all records reflecting evaluations of employee performance, including faculty, A & P, USPS and OPS employees, shall be designated as limited access, open to inspection only in accordance with subsection (1), above.
	2. Records created after July 1, 1995.
		1. Academic evaluations - Personnel records containing information reflecting academic evaluations of an employee's performance such as, but not limited to, tenure, promotion, annual evaluation, TIP, compression/inversion, faculty awards, merit increases and student course evaluation except as noted herein, shall be designated as limited-access records. Records comprising the common core items contained in the State University System 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, the raw data gathered on the forms completed by the students are limited-access documents and not subject to public inspection.
		2. Investigations of misconduct - Records maintained for the purposes of any investigation of an employee's alleged misconduct, including but not limited to a complaint against an employee and all information obtained pursuant to the investigation thereof, shall be confidential until the investigation ceases to be active or until the University provides written notice to the employee who is the subject of the complaint that the University has either (i) concluded the investigation, whether or not the conclusion contains a finding to proceed or not to proceed with disciplinary action, or (ii) issued a letter of discipline. For the purpose of this paragraph, an investigation shall be considered active as long as it is continuing, with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. There shall be a rebuttable presumption that an investigation is inactive if no finding is made within 90 days after the complaint is filed.
		3. Disciplinary proceedings - Records maintained for the purposes of any disciplinary proceeding brought against an employee shall be confidential until a final decision is made in the proceeding. The record of any disciplinary proceeding, including any evidence presented, shall be open to inspection by the employee at all times.
		4. Grievance proceedings - Records created after July 1, 1995 and maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract shall be confidential and shall be open to inspection only by the employee and by University officials conducting the grievance proceeding until a final decision is made in the proceeding. A decision shall be "final" for the operation of this rule when an arbitration decision has been issued, or when a step decision has been issued and the time for appeal to the next step has expired without further appeal.
2. Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of Section 119.07(1), F.S. In addition, 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 are limited-access records.
3. Except as noted above, the custodian of limited-access personnel records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.
4. Employment records and other employee information maintained by the University are subject to the provisions of this rule, and may also be subject to other laws or regulations that limit public access thereto.

*Specific Authority 240.227(1), (5), (19), 240.253 FS. Law Implemented 240.253 FS. History-New 1-1-97, Amended 7-31-97.*

## 6C9- 4.1010 University of North Florida;

## Personnel Records - Limited Access.

1. Employment records and other employee information maintained by the University are subject to the provisions of this rule and may also be subject to other laws or regulations that limit public access to the records or parts thereof.
2. 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. Personnel files of faculty, undergraduate student employees and other employees will 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 rule, 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.
3. Records which are identified in this rule as "limited access" records are confidential and are not subject to inspection under the provisions of Section 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 rule, 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:
		1. Records that reflect "academic" evaluations of employee performance. "Academic" for the purposes of this rule 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, Teaching Incentive Program (TIP), compression/inversion, other faculty awards, and merit increases.
		2. 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 rules, policies, or collective bargaining agreements, certain records of the investigation may be open to the employee investigated at the time indicated in the applicable rules, 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.
		3. 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.

*Specific Authority 1001.74(4), (19), 1012.91(]) FS. Law Implemented 1001.74 (19), 1012.91 FS. History-New 1-5-04.*

## 6C9-4.1011 University of North Florida;

## Faculty Assignment and Evaluation.

1. A faculty member shall, at the beginning of employment and each year thereafter, be apprised in writing by his or her departmental chair or other appropriate University administrator of the duties and responsibilities in teaching, research/scholarship and other creative activities, service, and any other specific duties and responsibilities assigned for that year.
2. The annual perfonnance evaluation of a faculty member is designed to provide a qualitative and quantitative assessment of the assigned duties and responsibilities in teaching, research/scholarship and other creative activities, service, and any other specific duties and responsibilities assigned for that year. When a faculty member is not meeting performance standards, a performance improvement plan will be developed to assist in correcting deficiencies.
3. The annual performance evaluation shall be given adequate consideration for purposes of salary adjustments, promotions, reemployment, and tenure.

*Specific Authority 1001.74(4), (19), 1012.94(1) FS. Law Implemented 1001.74(19), 1012.94 FS. HistorrNew 1-5-04.*