

UNF Board of Trustees

December 19, 2002

Issue: Limited Access to Records Rule

Proposed action: Approval

Background information:

Attached is a recommended rule on limited access to records. The purpose of this rule is to prescribe the content and custody of limited-access records maintained by the University on its employees. This rule has been reviewed and by the Educational Policy Committee and vetted in an open campus hearing.

Upon approval by the Board of Trustees, the rule will be sent to the Joint Administrative Procedures Committee (JAPC) in Tallahassee for a final review prior to University publication. This process can take from 90 to 120 days.

Attachments: Proposed rule

NOTICE OF PROPOSED RULE DEVELOPMENT

DEPARTMENT OF EDUCATION

Division of Colleges and Universities
University of North Florida

CHAPTER TITLE:
Personnel

CHAPTER NUMBER
6C 9-4

RULE TITLE:
Personnel Records; Limited Access

RULE NUMBER
6C 9-4.1010

PURPOSE AND AFFECT: The purpose and effect of the proposed rule is to exercise the authority of the University of North Florida's Board of Trustees pursuant to §1001.74 (19) and 1012.91, F.S., to prescribe the content and custody of limited-access records that the university may maintain on its employees. Such limited-access records are confidential and exempt from the provisions of s. 119.07(1), F.S.

SUBJECT AREA TO THE ADDRESSED: Rules related to the content and custody of limited access personnel records.

SPECIFIC AUTHORITY: 1001.74 (19); 1012.91, Florida Statutes.

LAW IMPLEMENTED: 1012.91(1), Florida Statutes.

IF REQUESTED IN WRITING AT LEAST SEVEN (7) DAYS IN ADVANCE OF THE SCHEDULED WORKSHOP AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 PM – 3:00 PM, November 15, 2002

PLACE: University of North Florida, Building 39, College of Health, Room 1009

Individuals who require a reasonable accommodation in order to participate must notify Sandy Bernreuter at (904) 620-2828 at least five (5) working days prior to the event.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A PRELIMINARY COPY OF THE PROPOSED RULE IS: Janet D. Owen, Associate General Counsel at (904) 620-2828.

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 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 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 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 rule, limited access records shall include:

(a) **For Records created on or before July 1, 1995** – Any and all records reflecting evaluations of employee performance.

(b) **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 (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.

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.

a. 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.

b. 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(19); 1012.91 FS.

Law Implemented: 1012.91(1), FS.

History: 6C9-4.036