

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 12, 2010

REGULATION TITLE:

Limited Access Records

REGULATION NO.:

UF-1.019

SUMMARY: The amendments to this regulation indicate that the Vice President for Human Resource Services is the custodian of central personnel files for all University employees including undergraduate student OPS employees.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Varnes Fussell, Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE~~RULES OF~~
UNIVERSITY OF FLORIDA

~~6C1-1.019 University of Florida;~~ Limited Access Records

(1) “Limited Access Records” that the University maintains on its employees, which shall include Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) staff members, University Support Personnel System (USPS) employees, and Other Personnel Services (OPS) employees, shall be confidential. The custodian of limited access records may release information from such records only under the conditions and to the persons as set forth in this regulation~~rule~~, to the President or ~~the~~ President’s designee in the discharge of official responsibilities, or upon order of a court of competent jurisdiction.

(a) For records created on or before July 1, 1995, “limited access records” shall be defined as those records that reflect evaluations of employee performance. Such records shall be open to inspection by the employee evaluated and by University personnel responsible for supervision of the employee.

(b) For records created after July 1, 1995, “limited access records” shall be defined as:
1. Records that reflect “academic” evaluations of employee performance. “Academic” for the purposes of this regulation~~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), TIP, compression/inversion, other faculty awards, and merit increases. Such records shall be open for inspection by the employee evaluated and by University personnel responsible for the supervision or evaluation of the employee.

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 regulations~~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 regulations~~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.

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

(3) The custodian of the central personnel files of University employees ~~other than undergraduate student OPS employees~~ is the ~~Director of Division of~~ Vice President for Human Resources Services.

(4) The custodians of limited access records~~the personnel files of undergraduate student OPS employees as well as of records on employees~~ held in other administrative and academic units are those administrative personnel designated by 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.

~~Specific~~ Authority: BOG Regulation 1.001-1012.91(1) FS.

Law Implemented: 1012.91 FS.

History--New 11-11-79, Formerly 6C1-3.18, Amended 3-6-85, Formerly 6C1-3.55, Amended 5-1-96, Formerly 6C1-3.055, Amended 1-7-03, Formerly 6C1-1.019, Amended
