

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 rule, to the President or the President’s designees 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 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 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.

(2) 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.

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

custodians of 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 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.