

## THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

### **6C13-6.008-Personnel Records and Limited-Access Records.**

**(1) Purpose.** The purpose of this rule is to establish clear policy and procedures for access to personnel records and other employee information maintained by the University.

**(2) Personnel Records and Sunshine Law.** Personnel 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 and regulations that limit public access to such records or parts thereof. All requests for inspection or duplication of personnel records must be made to Human Resources.

Generally, University personnel records are public records and under the Sunshine Law are open for public inspection; however, University personnel records may contain confidential information, such as limited-access records (as described below), social security numbers, health information, and/or other information which is exempt from public inspection or disclosure by Florida law. Therefore, prior to allowing inspection of or providing copies of any personnel records, such records must be sent to the Office of the General Counsel to ensure that the confidential information has been redacted. Copies of the public records will be furnished upon request at a cost as provided in Florida Statutes §119.07(4).

**(3) Limited-Access Records.** “Limited-access” records are confidential and are not subject to public inspection under the provisions of Florida Statutes §119.07. During the time the limited-access records are deemed confidential, the custodian of the limited-access records may allow inspection of the records or release information from the records only upon receiving the employee’s written authorization or upon receiving an order from a court of competent jurisdiction. For purposes of this rule, limited-access records shall include:

(a) Records that contain information reflecting “academic” evaluations of employee performance. For purposes of this rule, “Academic evaluations” means performance evaluation documents regarding an employee who is designated as academic personnel, or is subject to the faculty or academic personnel evaluation process.

Examples of such records include records resulting from an academic evaluation process such as: 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 programs, compression/inversion, other faculty awards, and merit increases.

Records comprising the common core items contained in the University Student Assessment of Instruction, or comparable instrument, are not limited-access records. The summary results of the common core items, by course, shall be open for inspection in accordance with Florida Statutes Chapter 119; however, raw data gathered on the forms that have been completed by the individual students is limited-access information.

(b) Records maintained for the purposes of any investigation of employee misconduct.

Records maintained for the purposes of an investigation of employee misconduct (the complaint and all information obtained pursuant to the investigation of such complaint) shall be confidential only until such time as the investigation ceases to be active, or the University provides written notice to the employee who is the subject of the complaint that the University has either concluded the investigation with a finding to proceed or not to proceed with disciplinary action, or has issued a letter of discipline. An investigation is presumed inactive if no finding is made within ninety (90) days after the investigation begins, but the University may overcome that presumption through appropriate documentation in the records. However, 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.

The records related to the investigation shall be open to the University employees who are conducting the investigation, the administrator responsible for the appointment and assignment of the employee being investigated, and their respective designees. To the extent necessary to meet the due process requirements of applicable University rules, policies, or other agreements, certain records related to the investigation may be open to the employee being investigated at the time indicated in the applicable policies, or other Agreements.

A notice of proposed disciplinary action is confidential until the University issues a letter of discipline or decides not to proceed further with disciplinary action.

(c) Records maintained for purposes of any 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 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 at all times.

(d) Records maintained for purposes of any grievance proceedings. Records maintained for the purposes of any grievance proceeding brought by an employee shall be confidential and shall be open to inspection only by the employee and by officials of the University conducting the grievance proceeding until a final decision is made in the proceeding.

**(4) Custodian.** Human Resources is the custodian of the central personnel files of University employees. Additional personnel information may be maintained under the custodial responsibility of the vice presidents or directors. The custodians of such personnel records are responsible for designating, in a manner consistent with the provisions of this rule, the University personnel who have access to the employee information that is not open to public inspection (including limited-access records).

*Authority: Florida Statutes §1012.91.*

*History: 8.5.14*