

Regulations of Florida A&M University



10.129 Limited Access Records.

(1) Policy.

(a) The University maintains the employment records and other employee information on each of its employees, Faculty, Administrative and Professional (A & P) including the Executive service, University Support Personnel System (USPS) and Other Personal Services (OPS) employees.

(b) The employment records are maintained in the office or department of the University's records custodians. For Faculty, the records are maintained by the Office of the Provost and Dean of the school or college in which the faculty member is employed. For A & P, USPS and OPS employees, the records are maintained by the Office of the Director of Personnel Relations.

(c) Any records or portions which are otherwise confidential by law shall continue to be exempt from the provisions of Section 119.07(1), F.S.

(d) Except as required for use by the President or President's designee in the discharge of his or her official responsibilities, the custodian of limited-access records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.

(2) This rule prescribes the contents and custody of limited-access records that the University maintains on its employees. Such limited access records are confidential and exempt from the provisions of Section 119.07(1), F.S. Those records are limited to:

(a) Records containing information reflecting academic evaluations of employee performance.

(b) Records maintained for the purposes of any investigation of employee misconduct, including a complaint against an employee and all information obtained pursuant to the investigation of such complaint, shall be confidential until the

investigation ceases to be active or the University provides written notice to the employee that it has:

1. Concluded the investigation and is not proceeding with disciplinary action;
2. Concluded the investigation with a finding to proceed with disciplinary action; or
3. Issued a letter of discipline.

(3) An investigation is presumed inactive if no finding is made within ninety (90) days after the complaint is filed. Records maintained for the purposes of any disciplinary proceeding are confidential until a final decision is reached. The record of proceeding and evidence presented are open to inspection by the employee at all times.

(4) Records maintained for the purposes of a grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract are confidential until a final decision is reached.

(5) 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.

Specific Authority: 1001.74, 1001.75 and 1012.91, FS, and relevant portions of Collective Bargaining Agreements; History: New- 6-27-01; Formerly Rule 6C3-10.143