

OFFICE OF THE GENERAL COUNSEL: USF REGULATIONS

NOTICE: AMENDED PERSONNEL REGULATIONS DATE: Sept. 30, 2009

Personnel Regulations
USF10.109-Official Faculty Personnel Files
USF10.209-Official Personnel Files (Administration, Staff and Temporary)

Summary of Revisions

The Florida Board of Governors Regulation Development Procedure calls for a University to monitor the effects of new regulations and periodically review existing regulations to ensure they are current and consistent. Board of Governors Regulation 1.001 (5)(a), provides that: *“Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university...”*

USF Business and Finance and the Division of Human Resources reviewed USF System personnel regulations and determined that the regulations listed above require technical amendments to reflect the function of the USF System. Text of the amended regulations follows below.

AUTHORITY TO ADOPT/AMEND/REPEAL REGULATIONS:

Art. IX, Section 7, Fla. Constitution; Board of Governors Regulation 1.001.

UNIVERSITY OFFICIAL INITIATING PROPOSED AMENDMENTS: James A. Hyatt, Sr. Vice President for Business and Finance & CFO.

WRITTEN COMMENTS CONCERNING THESE PROPOSED REGULATIONS MAY BE SUBMITTED WITHIN 14 DAYS AFTER THE POSTING DATE OF THIS NOTICE TO:

Dee Brown, Agency Clerk
Office of the General Counsel
University of South Florida System
4202 East Fowler Avenue, Suite ADM 250
Tampa, FL 33620-6250
Phone: (813) 974-7150; FAX: 813-974-5236; E-MAIL: USFLEGAL@ADMIN.USF.EDU

USF System Regulation 10.109

Official Faculty Personnel Files

(1) The Division of Human Resources maintains the only official personnel files for all University employees of the USF System, including faculty. Human Resources is authorized to delegate all or any portion of this function to the Deans and Directors through the Provost and Vice Presidents or the appropriate USF System authority.

(2) The CAO may retain the official promotion and tenure files for faculty.

(3) The faculty member's home department or unit may retain duplicate copies of documents contained in the official personnel files. They may also retain originals of pre-discipline, counseling, and performance documents leading up to official actions, which at the time of that action will be made a part of the official file.

(4) The official personnel file will contain the following:

(a) Information gathered as part of an employment procedure, such as applications, letters of reference, letters of offer, and letters of appointment.

(b) Information substantiating salary transactions, if applicable, such as appointment papers, approvals of special salary rates, employment contracts, and salary adjustments

(c) Documentation of performance and conduct, such as performance evaluation forms, letters of recognition, reprimands, letters of dismissal, suspension, disciplinary reduction in pay, and approvals to take appealable disciplinary actions.

(d) Any records relating to a faculty member's grievance or complaint, appeals, arbitration awards/findings, or administrative hearing recommendations, and these records will be treated as exempt during any proceeding specified by Florida law.

(e) Medical records which address the faculty member's ability to do the job or for any other legitimate business purposes; however, these records are confidential records that will be maintained separately from the official personnel file in accordance with applicable federal and/or State law.

(f) Other documents deemed appropriate by Human Resources, such as letters of resignation, layoff notices, etc.

(5) The personnel file will not include:

(a) Benefits enrollment information, which is separately maintained by Human Resources.

(b) Anonymous material of any kind, with the exception of numerical summaries of student evaluations and narratives contained in student evaluations.

(6) Access to the official personnel files of ~~University~~USF System faculty:

(a) Access to the official personnel files of ~~University~~USF System faculty is governed by the Florida Public Records Law Chapter 119 ~~Florida Statutes~~ and Section 1012.91, Florida Statutes. Those wishing to review personnel files of ~~University~~ faculty members may do so during normal

business hours of the Division of Human Resources. Access to and copying of any document or file will be provided in accordance with federal and state law and these ~~Rules~~Regulations.

(b) Any material exempt from disclosure by federal or state law will be removed prior to inspection or copying unless disclosure of such exempt material is authorized by the faculty member or required by any superseeding law.

(7) Faculty rights to append or request removal of material:

(a) Faculty members have the right to append responses to any material in the evaluation file, and to place appropriate information or documentation relating to their employment into their personnel files, by forwarding the information to Human Resources with a request for the material to be placed in their file. Examples of the types of information employees may place in their files are updating of education or training and clarification or rebuttal of evaluative or disciplinary information placed in their files by ~~University~~USF System officials. Such items received by Human Resources will be reviewed for compliance with this ~~Rule~~Regulation and will then be placed in the file or returned to the sender with an explanation describing why the items are not in compliance.

(b) Faculty members will have the right to request removal of any documentation shown to be factually incorrect.

Authority: Art. IX, Sec. 7, Fla. Constitution; Board of Governors Regulation 1.001. History: New 10-05-03.

Formerly 6C4-10.109, F.A.C. Specific Authority: §§ 1001.74(4), (19), 1012.91 Fs. Law Implemented: §§

119.07(1)(A), (2)(A), (3), 1001.74(19), (34), 1012.91 Fs.

USF System Regulation 10.209

Official Personnel Files (Administration, Staff and Temporary)

(1) The Division of Human Resources maintains the official personnel files for ~~University~~ all employees of the USF System. Human Resources is authorized to delegate all or any portion of this function to the University Deans and Directors through the Provost and/or to the Vice Presidents of the Health Sciences Center, and/or the regional campuses, all or any portion of this function for Faculty as appropriate. USF System authority.

~~(2) All or portions of the official promotion and tenure files for Faculty may be retained in separate files based on the delegation authorized in Section (1) above.~~

~~(3)~~2. The department where the employee is assigned may retain duplicate copies of documents contained in the official personnel files. They may also retain originals of pre-discipline, counseling, and performance documents leading up to official actions, which at the time of that action will be made a part of the official file.

~~(4)~~3. The official personnel file will generally contain the following:

(a) Information gathered as part of an employment procedure, if applicable, such as applications, letters of reference, letters of offer, letters of appointment, acceptance of appointment, employment test results, loyalty oath, and substitutions of training and experience;

(b) Information substantiating salary transactions, if applicable, such as appointment papers, approvals of special salary rates, employment contracts, and salary adjustments;

(c) Documentation of performance and conduct, such as: performance evaluations; letters of recognition; reprimands; letters or notices of dismissal, suspension, disciplinary reduction in pay; and approvals to take grievable disciplinary actions;

(d) Any records relating to an employee's grievance or complaint, appeals, arbitration awards/findings, or administrative hearing recommendations; however, such items may be kept in a separate file and may be treated as exempt during any proceeding specified by Florida law;

(e) Medical records which address the employee's ability to do the job or for any other legitimate business purposes; however, these records are confidential records that will be maintained separately from the official personnel file in accordance with applicable federal and/or Florida law;

(f) Other documents deemed appropriate by Human Resources, such as letters of resignation, layoff notices, etc; or

(g) Benefits enrollment information is separately maintained by Human Resources.

(54) Access to the official personnel files of ~~University~~USF System employees is governed by the Florida Public Records Law Chapter 119, and Section 1012.91, Florida Statutes. Employees or other individuals wishing to review personnel files of ~~University~~ employees may do so during normal business hours of the Division of Human Resources. Access to and copying of any document or file will be provided in accordance with federal and Florida law, and these ~~Rules~~Regulations. Any material exempt from disclosure by federal or Florida law will be removed prior to inspection or

copying unless disclosure of such exempt material is authorized by the employee or required by any superseding law.

(65) Employees have the right to place appropriate information or documentation relating to their employment into their personnel files by forwarding the information to Human Resources with a request for the material to be placed in their file. Examples of the types of information employees may place in their files are updates of education or training and clarification or rebuttal of evaluative or disciplinary information placed in their files by ~~University officials of the USF System.~~ Such items received by Human Resources will be reviewed for appropriateness and compliance with these ~~Rules~~Regulations and will then either be placed in the file or returned to the sender.

Authority: Art. IX, Sec. 7, Fla. Constitution; Board of Governors Regulation 1.001. *History:* New 10-05-03.
Formerly 6C4-10.209, F.A.C. *Specific Authority* ~~§§ 1001.74(4); (19); 1012.91(1); Fs.Law Implemented: §§~~
~~119.07(1)(A); (2)(A); 119.07(3); 1001.74(19); 1001.75(16); 1012.91 Fs.~~