

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: October 9, 2007

REGULATION TITLE AND NUMBER: Limited Access to Employee Records (5.003).

SUMMARY: Regulation 5.003 was originally drafted in 1979, and last revised in 1987. It sets forth some, but not all, employee files designated as limited-access records. The proposed amendment appropriately defines faculty promotion and tenure files as part of the faculty member's evaluation file. This proposed regulation conforms with current collective bargaining agreements and law.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT: Diane Alperin, PhD, Associate Provost, Department of Academic Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED

Florida Atlantic University

Regulation 5.003

Limited Access to Employee Records

All employee records that are permitted by law to be designated limited-access records, including but not limited to the contents of employee academic evaluation files, which are defined to include all promotion and tenure files, shall be confidential are limited-access records. Limited-access records, and shall conform to the requirements of applicable law—rules, University regulations and collective bargaining agreements. Employee evaluation files Limited-access employee records shall not be disclosed except to the evaluated employee, to persons so authorized by the employee, to University officials whose duties require access to the file in accordance with University and departmental evaluation and supervisory procedures, to the President and to the President’s designees in the discharge of official responsibilities—as provided in Regulation 1.002, and as may be provided by law.

Specific Authority: Florida Board of Governors Resolution dated January 7, 2003; 1012.91 FS. Law Implemented 1012.91 FS. History—New 10-17-79, Formerly 6C5-5.05, Amended 11-11-87, Formerly 6C5-5.005, Amended 11-14-07.