

Standard No. 576-003

FACULTY RECORDS

576-003-0000

Definitions

(1) “Personal Records” means records containing information kept by Oregon State University concerning a faculty member and furnished by the faculty member or by others, including, but not limited to, information as to discipline, counseling, membership activity, other behavioral records, professional preparation and experience, professional performance (e.g., assignment and workload, quality of teaching, research and service to the institution), personnel data relating to such matters as promotions, tenure, leaves, retirement credits and the like and professional activities external to the institution, including, but not necessarily limited to, awards, recognition, research activities and travel.

(2) For purposes of compliance with ORS 351.065, “records of academic achievement” shall mean the record of credits earned toward a degree or in postdoctoral work and/or certificate(s), diploma(s), license(s) and degree(s) received.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0005

Limitation on Records to Be Maintained

Only records that are demonstrably and substantially relevant to the educational and related purposes of Oregon State University shall be generated and maintained.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0010

Restrictions on Soliciting or Accepting Confidential Information Relating to Employed Faculty

When evaluating employed faculty members, Oregon State University shall not solicit or accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential, except for student evaluations made or received pursuant to 576-003-0070(5).

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0020

Certain Information Not Required to Be Given by Faculty Members

No faculty member shall be required to give, but may voluntarily provide, information as to race, religion, sex, political affiliation or preferences, except such information that may be required by state statute, federal law or valid federal rules, regulations or orders. Where the faculty member is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of any right to decline to respond that may be applicable.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0040

Locations and Custody of Faculty Records

Official faculty personal records shall be kept in locations central to the department that maintains them. Custody shall be assigned to designated personnel specifically charged with maintaining the confidentiality and security of the records in accordance with applicable Oregon State University rules and polices. Oregon State University shall not maintain more than three files relating to the evaluation of a faculty member, except that Oregon State University may maintain one additional confidential file in excess of three existing files that shall contain only material excised from other records as permitted by 576-003-0070. Evaluation files are those referred to in ORS 351.065 as "designated" or "authorized."

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0050

Release of and Access to Faculty Records

(1) Appropriate information about the faculty member may be released on request and without the faculty member's consent. Such information shall be limited to:

(a) Directory information, that is, information generally needed in identifying or locating a named faculty member including such information as is readily found in published documents such as institutional catalogs;

(b) Objective evidence of a faculty member's academic achievement, limited to information as to the number of credits earned toward a degree or in postdoctoral work, and certificate(s), diploma(s), license(s) and degree(s) received;

(c) Salary information and the record of terms or conditions of employment;

(d) Records tabulated from students' classroom survey evaluations, on a finding by the president that privacy rights in an adequate educational environment would not suffer by disclosure.

(2) All information in the faculty member's personal record file, apart from that identified in section (1) of this rule, shall be considered personal and subject to restricted access as set forth in 576-003-0060 through 576-003-0120.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0060

Confidential Records -- Restrictions on Release

(1) Personal records designated as subject to restricted access in accordance with authority granted in ORS 351.065 shall be available only to the faculty member who is the subject of the records as provided for in 576-003-0070 through 576-003-0100 and to Oregon State University personnel, such as faculty, administrators, students and others serving on committees or in other official capacities. Such personnel shall have a demonstrably legitimate need to review the records in order to fulfill their official, professional responsibilities as defined in relevant Oregon State University rules or policies. These records may not be released to any other person or agency without the faculty member's written consent, unless on receipt of a valid subpoena or other court order or process or as required by state statute, federal law or valid federal or state rules, regulations or orders.

(2) Oregon State University shall appear in court through the Department of Justice when appropriate to test the validity of a subpoena or other court order or process relating to release of faculty records when validity is in question.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0070

Access to Files by Faculty Members

(1) Faculty members shall be allowed full access to their own personal files and personal records kept by Oregon State University, except as provided in sections (2) and (3) of this rule.

(2) Letters and other information submitted in confidence to Oregon State University prior to July 1, 1975, shall be maintained in the evaluation files permitted by 576-003-0040. However, if a faculty member requests access to such letters and other information pertaining to the faculty member, the anonymity of the contributors of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available to the faculty member except those portions of the text that would serve to identify the contributor, which shall be excised by a

faculty committee created pursuant to institutional rules. The excised portions of the documents may be retained in the confidential file permitted by 576-003-0040.

(3) Confidential letters and other information received by Oregon State University after July 1, 1975, prior to the employment of a faculty member, shall be placed in evaluation files relating to the faculty member. If the applicant is not employed, the confidential information submitted concerning the applicant shall remain confidential. If an applicant who is employed requests access to personal files, the anonymity of the contributors of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that those portions of the text that would serve to identify the contributor shall be excised and may be retained in the confidential file permitted by 576-003-0040.

(4) Any evaluation received by telephone shall be documented in each of the faculty member's evaluation files by means of a written summary of the conversation with the names of the conversants identified.

(5) If Oregon State University solicits or accepts student survey evaluations of the classroom or laboratory performance of a faculty member, the survey evaluations shall be conducted anonymously. Reports tabulated from student evaluations shall be placed in the evaluation files defined in 576-003-0040. Survey instruments from which evaluation data are obtained shall be delivered to the faculty member. No other evaluative material shall be accepted from students unless the students are first clearly informed that the faculty member will have access to such material and that the anonymity of the student cannot be preserved.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0080

Entry into File of Comments, Explanations, and Rebuttals

(1) The relevant Oregon State University officials shall, upon request, offer the faculty member opportunity to enter into the evaluation file a rebuttal, refutation, or explanation of any observations contained therein.

(2) On a faculty member's request, an appropriate faculty committee shall examine the faculty member's file to verify that all statements therein have been provided. If not, the committee shall require that the information be made available.

(3) On a faculty member's request, the faculty committee shall examine the confidential file to verify that it contains only those excised portions provided in 576-003-0070. The committee shall have the authority to require that any other material be removed from the confidential file.

(4) A copy of the periodic, regular written evaluation of the faculty member containing or having attached to it a statement to the effect that the faculty member may discuss the evaluative statement with the evaluating administrator, shall be given the faculty member. A copy of the

evaluative statement, signed by the faculty member signifying receipt of a copy thereof, shall be placed in the faculty member's evaluation file. The faculty member may enter into the evaluation file such comments, explanations, or rebuttals as desired. A copy of such comments, explanations or rebuttals made by the faculty member shall be attached to each copy of the evaluative statement retained by Oregon State University.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0090

Retention of Evaluative Materials Concerning Candidates for Possible Employment

(1) If an individual is not employed, it is expected that the evaluative materials brought together by the Oregon State university as it evaluates an individual's qualifications in connection with possible employment will be retained as long as may be necessary to respond to affirmative action investigations and investigations of any claimed violation of the civil rights of any person in connection with employment. Thereafter, they will be disposed of in a manner designed to assure confidentiality, in accordance with rules of the State Archivist.

(2) When federal rules or orders require certain personal records to be compiled before the employment of a faculty member and retained thereafter, such records pertaining to persons not employed that have been obtained with the promise of confidentiality will be closed to all persons except as required by federal rules or orders.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0100

Availability to Faculty Members of Objective Information Concerning Categories of Staff

A faculty member who feels adversely affected by a personnel action or lack thereof may request from the appropriate OSU administrator objective or quantitative information contained in limited access files concerning personnel actions affecting categories of faculty members, where such actions appear to have relevance to the requesting faculty member. Such information may include, but is not limited to, assignment, load, and list of publications. Such information may not include any evaluative statements concerning other faculty members or the requesting faculty member if the faculty member is not otherwise entitled to the information.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0110

Availability of Faculty Records for Research Purposes

Oregon State University may make information about the faculty member available for research purposes, but shall adequately conceal the identity of the faculty member whose personal data or information are being included in the research. If the confidentiality of faculty records would be jeopardized in any way by the release of the information for research purposes, Oregon State University shall first obtain written consent of the faculty member prior to releasing personal information for research purposes.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0120

Permanence, Duplication, and Disposal of Faculty Records

(1) The individual faculty member's record shall be maintained only for the time required to serve the basic official functions of the office that generates and maintains it. It should then be disposed of in a manner designed to assure confidentiality.

(2) The permanent retention of faculty records shall be limited to those that the president or the State Archivist shall determine to be of long-range value to the faculty member, Oregon State University, or to the public. ORS 351.065 provides that access to personal records more than 25 years old may not be limited.

(3) Duplication of faculty records shall be minimized. Duplicated records that are made shall be destroyed at a time to be determined and set forth in institutional rules and in such manner as to assure confidentiality in accordance with the rules of the State Archivist, or with the Archivist's approval.

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

576-003-0130

Appeals

Anyone aggrieved by the application of these rules may appeal in writing within 10 days to the Provost or designee. If the Provost or designee does not respond to the appeal in writing within 10 days of receiving the appeal, the appeal is deemed denied.