

Board Rules Governing Institutional Rules Relating to Faculty Records

580-022-0060

Institutional Rules

(1) The Board delegates to the president responsibility for developing institutional rules governing the form and variety of faculty records to be maintained in the institution, the nature of the information to be collected, the way in which such faculty information is to be recorded, maintained, used and eventually disposed. Such institutional rules shall be consistent with Oregon Laws and the Board's Administrative Rules. Copies of faculty records rules adopted by each institution shall be presented to the Chancellor and shall be maintained on file in the Board's Office.

(2) The Board expects that the presidents will give faculty an important voice in developing these rules, consistent with the nature of the academic community.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0065

Definitions

(1) "Personal Records" means records containing information kept by the institution, school, division or department 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.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0070

Limitation on Records to Be Maintained

Only records that are demonstrably and substantially relevant to the educational and related purposes of the institution, school, division or department shall be generated and maintained.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0075**Confidential Information Relating to Employed Faculty Not to Be Sought Nor Accepted**

When evaluating employed faculty members, the Board, its institutions, schools or departments 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 OAR 580-022-0100(5).

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1979, f. & ef. 4-27-79; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0080**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 the right to decline to respond.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0085**Locations and Custody of Faculty Records**

Official faculty personal records shall be kept in locations central to the institution, school, division, or department by which they are maintained. Custody shall be assigned to designated personnel specifically charged with maintaining the confidentiality and security of the records in accordance with institutional rules. No institution shall maintain more than three files relating to the evaluation of a faculty member, except that an institution may maintain one additional confidential file that shall contain only material excised from other records as permitted by OAR 580-022-0100. Evaluation files are those referred to in ORS 351.065 as "designated" or "authorized."

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0090**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 hereinafter set forth in OAR 580-022-0095 through 580-022-0125.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0095

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 OAR 580-022-0100 through 580-022-0115 and to institutional personnel, such as faculty, administrators, students and others serving on official institutional committees or in other official institutional capacities. Such institutional personnel shall have a demonstrably legitimate need to review the records in order to fulfill their official, professional responsibilities as defined in institutional rules. 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) Institutional rules shall provide for designation of institutional officials to appear in court 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.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0100

Access to Files by Faculty Members

- (1) Faculty members shall be allowed full access to their own personal files and personal records kept by the institution, school, department or division, except as provided in sections (2) and (3) of this rule.

(2) Letters and other information submitted in confidence to the institution, school, department, or division prior to July 1, 1975, shall be maintained in the evaluation files permitted by OAR 580-022-0085. 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 OAR 580-022-0085.

(3) Confidential letters and other information received by the institution, school, department, or division 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 OAR 580-022-0085.

(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 the institution, school, department or division 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 OAR 580-022-0085. 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.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0105

Entry into File of Comments, Explanations, and Rebuttals

(1) The institutional, school, divisional or departmental official 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, as defined in institutional rules, 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 OAR 580-022-0100. 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 the institution, school, division or department.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0110

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 institution 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.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93

580-022-0115

Availability to Faculty Members of Objective Information Concerning Categories of Staff

Institutional rules shall establish procedures through which the faculty member who feels adversely affected by the institutional, school, divisional or departmental personnel action or lack thereof may request from designated institutional officials 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 case of the faculty member requesting the information. Information may include but need not be limited to: assignment, load, list of publications. It shall not include any evaluative statements concerning faculty members.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 5-1996, f. & cert. ef. 12-18-96

580-022-0120**Availability of Faculty Records for Research Purposes**

The need for educational institutions to make information about the faculty member available for research purposes shall be acknowledged and provided for, providing the institution has adequate provisions to 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, institutional rules shall provide that the institution obtain written consent of the faculty member prior to releasing personal information for research purposes.

Hist.: HEB 3-1978, f. & ef. 6-5-78

580-022-0125**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, to the institution, 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.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93