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Date: Wed, 20 Nov 96 11:17:21 -0600
To: land
Subject: SCFA Agenda Nov. 21 (fwd)

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Subject: SCFA Agenda Nov. 21

AGENDA

Senate Committee on Faculty Affairs

Thursday, November 21, 1996
3:00 - 5:00
626 Campus Club

- 3:00-3:15 Chair's Report
- 3:15-3:30 Review of the Sexual Harassment Policy - Pat Frasier
(Please look for fax sent to you! It should get to you this time.)
- 3:30-4:00 Discussion on Fees for Off-campus Internet Connections with the
Senate Committee on Computer and Information Systems
- 4:00-4:30 Discussion on Privacy Issues - Carol Chomsky and Tracy Smith
(Please see document below. Paper copies will be available at the
meeting.)

If you are unable to attend, please contact Kevin Gormley by responding to this message. Thank you.

INFORMATION PRIVACY:

A Guide for Faculty from the Office of the General Counsel and Office of Records and Information Management
[Date]]

This guide gives a brief summary of the legal standards that govern disclosure of information about University faculty, staff, and students. We have tried to make this guide as brief and easy to read as possible. As such, it is not a complete summary of applicable law, nor does it provide legal advice for particular situations. If you have questions about your rights or responsibilities with respect to University information, we encourage you to contact Susan McKinney, Records and Information Manager for the University, at (612) 625-3497, or Tracy M. Smith, Associate General Counsel, at (612) 624-4100.

RULES

What rules apply to information practices at the University?

A number of state and federal laws affect information practices at the University. The most important laws are the Minnesota Government Data Practices Act, which governs all government information in the state, and the federal Family Educational Rights and Privacy Act, which governs information on students. Depending on the circumstances, University rules and policies may also be involved (for example, the Grievance Policy, Academic Misconduct Policy, Judicial Committee rules, etc.).

INFORMATION ABOUT UNIVERSITY FACULTY, STAFF, AND STUDENTS

Who has access to information about University faculty, staff, and students?

As a general rule, each faculty member, staff person, and student has access to all recorded information about her or himself within the University, with the exception of confidential data. ("Confidential data" includes such information as attorney-client privileged data, civil investigative data, and other data defined as "confidential" by statute). Who else has access to information about employees and students depends on the type of information. "Public" information is available to anybody who requests it. "Private" information, on the other hand, generally is available only to the person who is the subject of the information and to people within the University who, because of their work assignment, reasonably require access.

People who reasonably require access to information may include deans, department heads, other faculty involved in a promotion or tenure decision, members of a search committee, or other relevant administrators. Faculty have access to private information on students when they need it to teach and have access to private information on employees when they need it to perform their jobs or do performance evaluations. The person in possession of the information makes the initial determination of who reasonably requires access, although questions may be directed to other administrators or to the General Counsel. There is no requirement that a person be notified before information about that person lawfully is released.

EMPLOYEE INFORMATION

What information about employees is public?

Information about the job.

Salary, pension, fringe benefits, contract fees, expense reimbursements, job title, job description, dates of employment, work location, work telephone, and payroll documents.

Information about the employee.

Education, training, previous work experience, city and county of residence, honors and awards, settlement agreements arising from the employment relationship, the existence and status of complaints or charges against the employee, and the final disposition of any disciplinary action, as well as the specific reasons and basis for the action.

What information about employees is private?

If the information does not fall in a "public" classification, it is generally private. Examples of private information include performance reviews, teaching evaluations, and personal information such as family information, home address and phone number (unless the employee consented to their inclusion in the directory), and social security number.

Are complaints and discipline information about employees public?

The existence and status of complaints against employees is public information. The substance of a complaint is not public unless that complaint forms the basis of a final disciplinary action. Final disciplinary action, as well as data documenting the basis for the action, is public information.

Is information about job applicants private?

The identity of an applicant is private unless that person becomes a finalist. (Generally, a "finalist" is someone interviewed by the appointing authority.) Some information about every applicant, however, is public so long as the information does not reveal the applicant's identity. The public information includes an applicant's education and training, job history, and relevant test scores. Anyone has access to public information about an applicant. A person has access to private information about an applicant only if that person reasonably requires access, for example, by participating in a search committee or in the hiring process.

Where is information about employees kept?

A number of places might have information about an employee, for example, a Human Resources central personnel file, a department or college file, or a promotion and tenure file. Where the information is located does not affect its classification as public or private. An employee can obtain information about him or herself by requesting it from whomever has the data (e.g., the Office of Human Resources, the department head, etc.).

Can employees authorize release of private data to others?

No University employee can release private information about another employee to anyone except (1) to other employees within the University whose job duties reasonably require access to the information, (2) as otherwise provided by law (e.g., by court order), or (3) as authorized by the subject of the information. An employee can authorize the release of private information about him or herself by signing a written consent form.

References and Performance Reviews.

University employees always may share information about a University employee within the University when access is reasonably required. For example, if one professor within the University is considering hiring someone known to another professor, those professors can share evaluative information about the person without that person's consent. University

employees can also provide information about other employees or officials in connection with performance reviews.

When a University employee is asked to provide a reference for an employee to someone outside the University, the University employee should obtain the person's written consent. A model reference consent form is attached to this information sheet.

Generally, an employee is entitled to see any documents that reflect comments about him or her by another employee. For example, if someone writes an evaluation of an employee or submits recorded comments about a supervisor in connection with a performance review, that person will have access to the information if he or she asks for it.

STUDENT INFORMATION

What information about students is public and what is private?

A student's name, address, e-mail address, telephone number, dates of enrollment and enrollment status (full-time, part-time, not enrolled, withdrew, and date withdrawn), major, adviser, college and class, academic awards and honors received, and, in the event of the student's graduation, the degree received, are matters of public record or "directory information." University officials and departments may provide this information in answer to inquiries without requiring authorization from the student. However, students may prohibit disclosure of directory information during the term of their enrollment. The Office of the Registrar keeps track of which students have prohibited disclosure.

Reference Requests.

Faculty members are often asked to provide references for students. Because students are entitled to privacy of their educational records unless they provide written authorization for disclosure, a teacher should obtain the student's written consent. A model consent form is attached.

Grades and Papers.

All University officials and employees are obligated to take care to preserve the privacy of student information. Grades and papers always must be distributed in a manner that protects their privacy. Grade posting in public areas such as hallways or open mailboxes should be accomplished by using code words or randomly assigned numbers that only the instructor and individual student know; the order of posting should not be alphabetical. Graded papers or tests should be returned individually to the student or sent through a secure mailing system.

For additional guidelines about student information, consult the Board of Regents' Policy on Student Affairs: Access to Student Records.

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