

UNIVERSITY OF THE VIRGIN ISLANDS
POLICY ON PUBLIC ACCESS TO DOCUMENTS AND INFORMATION

Approved 17 March 2007 by the Board of Trustees
Amended 10 June 2016 by the Executive Committee as authorized by the Board of Trustees

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I. OVERVIEW OF POLICY

1. PURPOSE OF POLICY

This Policy establishes the principles of the University of the Virgin Islands (the “University” or “UVI”) to respond to requests for documents and information in the possession of the University, and sets forth the procedures which govern the response of the University to such requests, while ensuring that the privacy of present and former students, employees, and others, appropriately is protected. “Documents and information in the possession of the University” includes all documents and information in the care, custody and control of the University except for the personal papers and personal effects of students, employees and others which are not prepared or retained by the University in the normal course of its business.

2. RESPONSIBILITY FOR ADMINISTRATION OF POLICY

All academic and administrative departments of the University are responsible for complying with this Policy and for knowing and understanding the procedures set forth herein. It is the responsibility of the President of the University to periodically review the Policy and to make recommendations for improvement of the Policy to the Board of Trustees.

3. GUIDING PRINCIPLES

Requests for documents and information will be handled in a manner which protects and serves the interests of the University and the privacy of present and former students, employees and others, as may be required by law. This Policy applies to requests for University documents and information by members of the public and by students, alumni and employees about their personal information within the possession of the University. It does not attempt to replace any policies or procedures in place at the University. It does not apply to requests for information in the normal course of business from federal or local authorities made to the University or its employees concerning federal and local contracts, grants and awards or public health and safety issues.

II. PRIVACY PROTECTION: FACULTY, STAFF, STUDENTS AND OTHERS

1. BASIC PRINCIPLES

The University recognizes the importance of protecting the privacy of individuals whose personal information is contained in documents in the possession of the University. As a general rule, personal information contained in such documents should be collected and retained in such a way as to protect the privacy of the individual to whom the information pertains, and should only be disclosed in accordance with applicable law and this Policy. All University employees should be aware of the necessity to protect the privacy of individuals and should exercise the utmost discretion and caution when responding to requests for personal information by individuals whether made in person, in writing, by telephone or electronically.

2. STUDENT PERSONAL RECORDS

UVI instructors who anticipate a need for their students' telephone numbers should request that information directly from the students. Except in the circumstances noted in Section II.6.0 and II.6.1, University employees should not provide any student information except for confirmation of a student's registration, degree(s) earned and major(s), unless the student has specifically authorized in writing the release of additional information.

3. PERSONNEL RECORDS

Except as otherwise provided herein, no information from the personnel file of any employee shall be provided to individuals who are not authorized University employees other than to confirm that the employee is in fact employed by the University, unless express authorization for such disclosure is given in writing by the employee or a determination has been made by Director of Human Resources that the information may be released, or as authorized by Section 4 hereof. Additional guidance on the correct response to a request for confidential employment documents can be provided by the Director of Human Resources or, in the case of faculty files, by the Provost. Department heads should refer as well to relevant provisions in the faculty and staff policy manuals, which in the event of a conflict with this Policy supersede this Policy.

4. LIMITED ACCESS TO PERSONNEL INFORMATION BY THE VIRGIN ISLANDS MEDIA

No more than once per year, upon the receipt of a written request from a media organization, authorized to and doing business in the United States Virgin Islands, the University will provide a hard-copy listing of the name, job title and salary of all employees of the University; provided that, in order to preclude the salary data from being used to steal the identity of employees, or for any other improper purpose, all salary data shall be rounded to the nearest one thousand dollars. Nothing herein shall be construed as creating an obligation on the part of the University to supplement the listing within any twelve-month period following the disclosure of such list to the requesting media organization, or to otherwise modify the listing after disclosure with respect to changes in University employees salary or position title.

5. DOCUMENTS REGULATED BY OUTSIDE AGENCIES

In cases where UVI documents and information are subject to regulation under federal or local law, such federal or local law prevails over this Policy in the event of a conflict. For example, documents maintained by University Health Services are protected under the provisions of the Health Information and Patient Privacy Act (HIPPA) and other guidelines.

For all other departments of the University, the following general guidelines are to be followed in the collection, release and retention of personal information.

6. COLLECTION OF PERSONAL INFORMATION

- (a) In accordance with the Family Educational Rights and Privacy Act (FERPA), the University shall collect, compile and record only such personal information as is necessary for the proper administration of the University and its academic programs and ancillary services. The term "personal information" includes grades, medical records and information, family information and history, financial information, race, creed or national origin.
- (b) The purpose for the

collection of personal information shall be made clear and in writing to the individual about whom information is requested or compiled,

7. LIMITS ON ACCESS TO PERSONAL INFORMATION

Personal information shall be accessible only to:

- (a) The individual to whom the information pertains;
- (b) A person, entity or agency authorized in writing to receive it by the individual to whom the information pertains;
- (c) An officer or employee of the University who needs the information in the performance of his or her legitimate duties;
- (d) Appropriate persons (e.g. doctor, police officer, University official, parent) in an emergency, as determined by the Records Management Officer, provided, however, that the individual is duly notified that such use was made of personal information.
- (e) to an authorized Virgin Islands Media Organization in accordance with the strict parameters of Section 4 hereof.

7.1 Personal information shall be accessible:

- (a) For the purpose for which it was explicitly collected or compiled;
- (b) For the purpose of complying with federal or territorial law, or for law enforcement or other legal purposes as, for example, where the University has been served with a court order or subpoena;
- (c) In order that individuals may verify the accuracy of the information held about them and/or request correction of the same or the inclusion of a statement of disagreement if they challenge its accuracy.
- (d) For the purpose of disclosing to the Virgin Islands media the names, job title and rounded salary in the interests of public accountability regarding the use of public funds for the payment of employee compensation.

7.2 Access by an individual to personal information relating to her/himself in a UVI document shall be denied in the following circumstances:

- (a) Where disclosure would constitute an unjustified invasion of another individual's personal privacy;

- (b) In cases where information is evaluative or in the form of an opinion was collected during peer or other review processes; or in the course of evaluating candidates for awards, bursaries, research grants, scholarships or other forms of financial assistance; or while evaluating eligibility for admission to an academic program of the University; or in the course of evaluating candidates for employment within the university or in the awarding of a contract with the university;
- (c) Where disclosure reasonably could be expected to threaten seriously the safety or health of an individual;
- (d) Where disclosure could reveal the identity of a source who furnished information in circumstances where it was understood that the identity of the source and/or the information would be held in confidence.

8. MAINTENANCE OF RECORDS CONTAINING PERSONAL INFORMATION

Documents containing personal information relating to faculty, staff, students, alumni or volunteers which are collected and maintained in University administrative offices should be stored in a secure manner, preferably in locked filing cabinets within offices which are locked during non-working hours. Appropriate security precautions, governed by the University Information Security Policy, should be taken to safeguard personal information which is stored electronically.

UVI documents containing personal information should be kept only as long as they might reasonably be expected to be needed, or as long as required under collective bargaining agreements, contracts, or applicable law. Employment documents with unspecified retention periods shall be kept for the period of time required by the University's Department of Human Resources. Electronic student transcripts will be retained in perpetuity or for such lesser period as may be required by law or as determined by the President. The official student academic record shall be kept for such period of time as may be required by law and if no period of time is so required then as may be determined by the President in accordance with best practices applicable to the Registrar's Office.

When documents containing personal information are no longer required by the University, they should be destroyed to protect privacy. All other documents of historical significance should be transferred to the University Archives.

III. ACCESS TO UNIVERSITY RECORDS

1. BASIC PRINCIPLE OF ACCESS

As part of its commitment to public accountability, the University supports generally the public's right of access to University documents and information. Such access is essential for an effective and informed University community and public.

2. EXCEPTIONS TO ACCESS

The University shall deny access to the following documents and information:

- (a) Minutes of executive sessions of the Board of Trustees or any of its committees or of the President's Cabinet, or of a presidential advisory committee.
- (b) Documents containing communications between the University and its counsel concerning legal matters of the University.
- (c) Student records as set forth above.
- (d) Personnel records and confidential employment records as set forth above.
- (e) Documents and information which would disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy.
- (f) Documents and information relating to the University's involvement in litigation, mediation, arbitration, collective bargaining, or administrative proceedings which might tend to reveal prematurely its legal strategy or position.
- (g) Documents and information required to be withheld from the public by federal or local statute or court order.
- (h) Documents containing the past, present or proposed research activities of the University where disclosure would undermine the professional or personal interests of its researchers or where disclosure would be contrary to the interests of the University or the public.
- (i) Documents containing financial, commercial, scientific or technical information belonging to the University which have monetary or potential monetary value, disclosure of which reasonably could be expected to prejudice the economic interests of UVI.
- (j) Documents and information owned by UVI or one of its students, faculty or staff, if its disclosure reasonably could be expected to deprive its owner or the University of priority of publication.

- (k) Questions that are to be used in University examinations or tests.
- (l) Documents which disclosure of will tend to result in information no longer being supplied to UVI and where it is in the University's interest that similar information continue to be so supplied.
- (m) Documents disclosure of which would interfere with law enforcement.
- (n) Documents disclosure of which would interfere with an internal disciplinary proceeding or process for conflict resolution.
- (o) Documents disclosure of which would prejudice the relations between the University and federal or territorial government authorities or other agencies providing funding to the University or any of its affiliates.
- (p) Documents disclosure of which would reveal information received in confidence from individuals and business entities during a competitive procurement process, or from federal, territorial or foreign government authorities or from other universities, colleges and similar institutions.
- (q) Documents containing policy options/recommendations or background explanations/analyses submitted for consideration to the President, the President's Cabinet or to the Board of Trustees and committees thereof in making decisions or policy, before those decisions or policies are made or implemented;
- (r) Draft documents not yet authorized by the University for release.
- (s) Documents disclosure of which would reveal the confidential advice or recommendations of a person employed by UVI or of a consultant retained by UVI.
- (t) Documents demanded by a subpoena, judicial or administrative order, writ of attachment, levy, compliance order or other compulsory process unless and until their release has been discussed with University Counsel and any affected party, such as a student or employee, has been given written notice thereof by the University and an opportunity to object to the release of the documents in accordance with applicable law. If a subpoena, or judicial or administrative order, writ of attachment, levy or other compulsory process or request for documents and information is received by a University employee it shall be immediately referred to the Office of the President for referral to University Counsel.
- (u) Information collected during tenure review, peer review or other student, faculty and administrative review processes at the University.

The University shall evaluate all requests for documents and information and determine whether the request seeks documents or information that falls within any exception to access. Any request for documents and information which does not fall within an exception shall be granted as set forth in this Policy unless access is otherwise prohibited by law.

IV. POLICY ADMINISTRATION

The President shall designate the Records Management Officer responsible for responding to requests for documents and information from the University under this Policy. The Records Management Officer also shall have the authority to receive requests for the correction of personal data in University documents and records. Such requests may come to the Records Management Officer directly from parties seeking information or corrections, or by referral from UVI departments or individuals who have been asked to supply or correct information where there are questions concerning the application of the Policy.

V. PROCEDURES FOR ACCESSING RECORDS

1. REQUESTS IN WRITING

Persons requesting UVI documents and information, other than UVI employees in the course of their regular duties, shall make their request in writing to the Records Management Officer, providing sufficient detail to make it possible to identify the document(s) and information. A request that appears to fall within an exception to the general principle of access or those which require interpretation of the Policy should be referred to the University Counsel for guidance when necessary.

2. RESPONSE TO REQUESTS

The Records Management Officer shall respond to requests for documents and information in a timely fashion. Responses to requests will be provided in writing or electronically, in the University's discretion, within 30 days from the date of receipt of the request and shall indicate:

- (a) That access to all or part of the document(s) and/or information will be given and the particulars of how it may be accessed; or
- (b) That access to all or part of the document and/or information will not be given and the reason or reasons for limiting such access; or
- (c) That the document or information is not within the possession of the University.

If the request is for a large number of documents or voluminous information, or necessitates a time-consuming search or lengthy consultations, the time limit for responding may be extended and the person making the request will be advised of the reason for the delay in writing.

3. COST OF OBTAINING DOCUMENTS AND/OR INFORMATION

The University will require a person or entity who requests access to a document or information (other than an employee in the course of his or her regular duties) to pay one or more of the following charges:

- (a) A search charge, based on the principle of cost recovery, for every hour of manual or electronic search or other preparation required in excess of 1 hour to locate or compile a document;
- (b) The cost of preparing the document for disclosure and providing copies of the document;
- (c) Distribution costs.

The University shall, before giving access to a document and/or information, provide a reasonable estimate of the cost involved. Such cost may be subject to appeal to the President under Section V.4 of this Policy. Individuals seeking access to their own personal information will be charged only for the costs of preparing transcripts and/or photocopies.

4. BOARD OF TRUSTEES

Nothing contained herein is intended to prevent the Board of Trustees, or any committee thereof, from obtaining access, to the fullest extent permitted by law, to any University documents or information, which the Board or Committee requires to perform its duty. Notwithstanding Section V. 3, above, such documents or information shall be provided to the Board or Committee free of charge

5. APPEALS

Within 30 days of receiving written notice of a decision by the Records Management Officer regarding the release, cost, amendment or withholding of a document or information, if the person requesting the documents and/or information objects to the decision and wishes to file an appeal, a notice of appeal shall be filed in writing with the President and addressed as follows: Attention: President, University of the Virgin Islands, No. 2 John Brewer's Bay, St. Thomas, Virgin Islands 00802.

If, within 10 working days after the issuance of the notice of appeal, the decision of the Records Management Officer is not reversed by the President in favor of the Appellant, then the Appellant may file with the President a written submission in

support of his or her position not exceeding five pages in length. The President shall then examine the submission together with any relevant documents or information in the possession of the University and, if necessary, meet with the Appellant and any affected individual(s). Unless the President is unavailable during all or part of this time, the investigation shall be completed and a decision rendered in writing within 30 days of receipt of the written notice of appeal or if a written submission has been filed by Appellant, within 30 days from the President's receipt of such written submission. The decision of the President shall be final.