

Policy: 2-0.1 Rev: 1

Date: June 26, 1984

Subject: **PERSONNEL FILE**

I. PURPOSE

To define the term "personnel file" and establish procedures for inspection, copying, and challenges to the contents of such files.

II. DEFINITION

"Personnel file" means the current official file or files regardless of location, relating to an employee of the university, which contains documents and data recorded in the usual course of official university business relating specifically to the individual's employment qualifications, working assignments, promotions, compensation, job performance, personnel evaluations, disciplinary proceedings, and participation in university insurance and benefits programs. The "personnel file" shall include but is not limited to the employee's Personnel Action Form, the records of completed retention, promotion, and tenure (or continuing appointment), review proceedings (see Faculty Regulations, Chapter V, Sections 2 and 4) and any letters or memoranda of evaluation, commendation or criticism relating to an employee which were not solicited or written under a request or promise of confidentiality.

III. Policy

A. Disclosure Policy

1. The university recognizes the right of each employee to examine, obtain a copy of, and to challenge the accuracy of factual data in documents contained in that employee's personnel file, except for information and materials therein that are classified as "confidential" under the Utah Information Practices Act or the disclosure of which is forbidden pursuant to state or federal law. See Utah Code Annotated sections 67-18-1 to 5.
2. Secret titles or systems containing information about personnel included within the scope of this policy shall not be maintained by any university officer or operating unit. Upon request by a university employee, or by an authorized officer of the university pursuant to such a request from an employee, it shall be the duty of all university personnel with knowledge of the facts to disclose the existence and maintenance of all files or systems containing personnel information relating to that employee, whether or not such information is subject to inspection or copying by the employee.
3. This policy applies only to "personnel files" as defined herein, and does not affect any right conferred by law upon an individual to inspect, copy, or challenge the contents of other records and files or challenge the contents of other records and files of the university that relate to that individual. See Archives and Records Service and Information Practices Act, Utah Code Annotated sections 63-2-59 et seq. and implementing regulations.

4. No person has a right under this policy to inspect, copy, or challenge the contents of the personnel file relating to any other individual, except to the extent that such person may be authorized to do so because of an official "need to know" under the Utah Archives and Records Service and Information Practices Act.
5. Any person who is both a student and an employee of the university shall have the same right of inspection, copying, and challenge of his or her personnel file as is enjoyed by other university employees, and shall be entitled to the same right to inspection, copying, and challenge of his or her educational records as is enjoyed by other students. See Privacy Rights of Parents and Students Act, Public Law 90-247 as amended, and implementing regulations.

B. Maintenance of Files

1. The primary personnel files of faculty members, academic librarians, and other instructional personnel shall be maintained by the vice president for academic affairs.
2. The primary personnel files of noninstructional employees shall be maintained by the director of personnel administration under the supervision of the vice president for administrative services.
3. Secondary personnel files may also be maintained by colleges, departments, or other operating units, as may be necessary for functional efficiency.
4. The vice president for academic affairs and the vice president for administrative services shall each designate an official custodian or personnel records, who shall be assigned the responsibility for expediting compliance with the relevant provisions of this policy and procedure.

C. Inspection and Copying

1. Upon request to the appropriate custodian, an employee of the university shall be afforded a reasonable opportunity to inspect and/or obtain a copy of his or her primary or secondary personnel file, or such part thereof as is described in the request, subject to the following limitations:
 - (a) Letters or memoranda of recommendation, evaluation, or criticism which are solicited or submitted under a request or promise of confidentiality shall be temporarily removed from the individual's personnel file before it is inspected by the individual to which such letters or memoranda refer. See Faculty Regulations, Chapter V, Section 2 G (1).
 - (b) Information in an employee's personnel file which relates to persons other than the subject employee shall be temporarily removed from the file before it is inspected by the employee, if the information (1) is classified as "confidential" or "private" information within the meaning of the Utah Information Practices Act, as amended; (2) consists of personally identifiable information relating to the salary or compensation of a person other than the employee who is the subject of the personnel file; or (3) is prohibited from disclosure by or pursuant to applicable state or federal law.

2. A request to inspect may be oral or written and shall describe generally the records or data in the personnel file which the individual wishes to examine. The person seeking inspection shall, upon request, produce appropriate documents or other evidence of identity.
 - (a) Upon verifying the identity of the requesting person, the custodian of the files shall take appropriate steps to comply with the request with reasonable promptness.
 - (b) When immediate inspection is not feasible or appropriate, the custodian shall cause the personnel file to be assembled (including the preparation of comprehensible and readable transcriptions of data maintained in electronically stored format) and made available for examination by the individual as soon as feasible, ordinarily not to exceed 10 working days after the request, at a reasonable place and time (during regular business hours) to be designated by the custodian.
 - (c) The inspection shall take place in the presence of the custodian or designee or the custodian of the personnel file. No changes or alterations may be made to any documents in the file, and no documents may be removed from the file.
 - (d) A memorandum recording the request and the making of the inspection shall be inserted in the file by the custodian immediately after the inspection has been concluded.
3. A request for copies of the personnel file, or any part thereof, must be in writing.
 - (a) Before the requested copies are prepared, the cost of copying shall be calculated by the custodian of the file pursuant to a schedule of charges established from time to time by the vice president for administrative services, and the requesting individual shall tender a receipt showing payment to the university cashier of the amount of the estimated cost of such copying.
 - (b) Upon receiving evidence of payment of the cost of copying, the custodian shall arrange to prepare copies in accordance with the request and make them available to the requesting individual with reasonable promptness.
 - (c) The written request for copies shall be placed in the employee's personnel file, together with a memorandum recording when and in what manner the request was responded to.
4. Challenge to Contents
 1. An employee of the university may at any time challenge any factual statement or entry of factual data in his or her personnel file upon the grounds that it is inaccurate, misleading, inappropriate, or otherwise in violation of individual rights.
 2. Any such challenge shall be submitted in writing to the official custodian of the personnel file, who shall promptly review the facts and supporting data and seek to resolve the challenge by informal means. Upon recommendation from the custodian, the cognizant vice president may authorize the custodian to make

necessary changes in, deletions from, or additions to the personnel file to assure that the file includes only factually accurate, truthful, and relevant information. The employee shall be advised in writing of all such modifications approved by the vice president.

3. An employee who believes that the challenge has not been disposed of in a satisfactory manner may request a formal consideration of the challenge by an ad hoc advisory committee of three disinterested persons appointed for the purpose by the cognizant vice president. After such investigation and consideration of the matter as the committee deems to be appropriate in light of the circumstances, including a reasonable opportunity for the employee to argue the merits of the challenge orally and to present supporting evidence, the committee shall submit its report, including any recommendations it deems proper, to the cognizant vice president.
4. The cognizant vice present, after reviewing the committee's report, shall make a final written determination of the challenge. The original challenge and the vice president's written determination thereof, whether before or after review by an ad hoc committee, shall be included in and maintained as part of the employee's personnel file.

Approved: Institutional Council 5/14/79

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