

ACA 27. Access to and Maintenance of Academic Employee Records

Scope

All academic employees.

A. The policy applies to the Personnel Files of academic appointees that are maintained by the university either physically or electronically.

B. The policy does not apply to medical or psychological records, nor to records gathered in the course of an investigation under UA-03, Sexual Misconduct Policy.

Policy Statement

I. Definitions and Principles

~~A. The terms “record” and “file” shall be understood to mean any items or collections of information on individual academic employees including transcripts of conversations, recorded and stored in any medium under personal name or by any equivalent identifying number or symbol.~~ [Moved to definition section]

~~B. Inasmuch as the organization of records may vary from office to office, every office which has the responsibility for the maintenance of records shall draw up a general statement of the nature and organization of the records kept by that office.~~

~~C. Each academic employee shall, upon request, obtain from the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs of the campus a list of all places where records concerning the employee are maintained by the University.~~

A. Every office which maintains Personnel Files concerning academic appointees shall notify the chief academic affairs officer of the campus about the nature and organization of those records, which information shall be made available to academic appointees.

B. [Former section IV.A.].Every All academic appointees employee upon request shall have access to his or her personnel file. The file shall be made available upon request by the employee. the unredacted records in their Personnel Files, including internal and external letters. This does not apply to records gathered in the course of an investigation under UA-03, Sexual Misconduct Policy.

H. Public Access

According to state law, the public shall have access to the following information from the academic employee’s file: Name, compensation, application for employment or appointment, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency. D. The public shall have access to academic appointee records to the extent provided by the Indiana Access to Public Records Act.

III. Access By University Administrators

A. Setting aside the academic employee’s access to his or her own file, the files of academic employees (other than the information contained in them as listed in Section II above) shall be accessible only to University administrators and other employees who need to know the contents of these files for such purposes as personnel action recommendations, annual reviews, salary adjustments and equity reviews, or as part of search and screen procedures for University offices. C. University officials,

faculty governance bodies and committees, and boards of review, who have a legitimate interest in the contents, shall have access to the unredacted records of academic appointees except where access is prohibited by special policies such as those governing medical and psychological records. A legitimate interest is one related to the operation of the university and its academic mission. The determination of a legitimate interest will be made by the officer responsible for the maintenance of the record. This determination must be made scrupulously and with respect for the individual whose records are involved.

~~— B. Normally during the examination of an employee's file, this file shall remain under the direct supervision of the employee (or of his or her designated agent) officially charged by the University with the responsibility for the maintenance of this record. [Moved to Procedures A.3]~~

~~IV. Access to Personnel File by the Academic Employee~~

~~— A. Every academic employee shall have access to his or her personnel file. The file shall be made available upon request by the employee. (See IV.B. below.) [Moved to section B above]~~

~~— B. The right of an employee to inspect his or her personnel file shall not be restricted in any way by the University except for:~~

- ~~— 1. Letters of evaluation solicited by the University under an explicit or implicit promise of confidentiality for purposes of recommendation on initial appointment, reappointment, promotion or tenure, written prior to January 1, 1984.~~
- ~~— 2. Statements of evaluation in connection with appointment, reappointment, promotion, or tenure decisions or reviews, which were written under an explicit or implicit promise of confidentiality by departmental or school administrators or faculty review committees before November 1, 1983.~~
- ~~— 3. Letters or statements from students solicited by the University and written prior to November 1, 1983, which comment on the academic employee's performance as a teacher, scholar, or advisor.~~
 - ~~— a. However, unsolicited letters and statements from students written prior to November 1, 1983, which comment on the academic employee's performance as a teacher, scholar, or advisor may be disclosed to the employee only if in the judgment of the responsible administrator disclosure will not jeopardize the students' academic or professional careers.~~

~~— C. After November 1, 1983, all requests from the University soliciting comments in connection with a recommendation for initial appointment, reappointment, promotion, or tenure shall include the following statement. "Although letters of recommendation are not normally disclosed to candidates, a state law permits employees to gain, upon request, access to their own personnel files, including such letters."~~

~~— D. The following stipulations govern an employee's access to his or her own records:~~

- ~~— 1. When an employee requests his or her records, the custodian of the records shall note the employee's name, the date of the request, and the records requested.~~
- ~~— 2. An employee's records shall be made available to him or her as soon as possible, but not more than five working days after receipt of the request.~~
- ~~— 3. Upon payment of a reasonable charge for the service, the employee shall be provided with a single copy of the record or any part thereof.~~
- ~~— 4. The employee may respond in writing to any item in his or her record. Such written response shall become part of the record. [Moved to Procedures section A]~~

~~V. Maintenance of Records of Academic Employees~~

~~—A. Unsolicited communications containing evaluative or judgmental statements about the employee's performance, qualifications, or character (other than those described in V.B.) shall not be placed in an employee's record unless:~~

~~—1. The employee is the provider of the item or~~

~~—2. The employee has received a copy of the item in its entirety prior to its being placed into the file.~~

~~—3. The office employee in control of the record shall notify the academic employee whose record is at issue of the receipt of unsolicited communications. The academic employee shall be provided with an opportunity to respond in writing to any statement in any unsolicited communication. The response shall become part of the record.~~

~~—B. Unsolicited communications from an employee's present or former students may be filed and collected by the administrator to whom they are addressed. The contents of such communications and the names of their authors shall not be given to the employee if such action, in the judgment of the responsible administrator, may jeopardize a student's academic or professional career, unless the information is to be used as a basis of formal action against the employee.~~

~~—C. With the exception of formal student evaluations of teaching, anonymous communications shall not be included in any record, nor shall they be stored or maintained. Such anonymous communications shall not be considered or referred to in matters of promotion, tenure, reappointment, or salary determination.~~

~~—D. Disputes about access to and maintenance of academic employee records shall be resolved through the grievance and review procedures generally applicable to the employee involved.~~

E. Personnel Files concerning academic appointees are subject to the following principles:

1. Anonymous communications other than course evaluations shall not be included.

2. Unsolicited communications about an appointee shall not be included unless provided by the appointee, relevant to a disciplinary action, or received during an appointment, reappointment, promotion or tenure review.

3. If any unsolicited communication is included, the appointee shall be notified, provided with a copy, and given an opportunity to respond in writing.

4. Academic appointees may respond in writing to any items in their Personnel Files. Such written responses shall become part of the file.

5. The contents of Personnel Files shall be confidential except as provided in this policy.

F. Records of academic appointees shall be maintained in accordance with policy UA-18, University Records Retention and Disposition.

Reason for Policy

The university maintains different kinds of records on academic employees used for a variety of purposes including promotion, reappointment, discipline and the setting of salary. In fairness to the appointees, to assure the accuracy of those records, and in recognition that we are a public university, those records must be maintained properly and available to appointees, administrators, and the public, consistent with principles of privacy.

Procedures.

~~D. The following stipulations govern an employee's access to his or her own records:~~

~~—1. When an employee requests his or her records, the custodian of the records shall note the employee's name, the date of the request, and the records requested.~~

- ~~—2. An employee's records shall be made available to him or her as soon as possible, but not more than five working days after receipt of the request.~~
- ~~—3. Upon payment of a reasonable charge for the service, the employee shall be provided with a single copy of the record or any part thereof.~~
- ~~—4. The employee may respond in writing to any item in his or her record. Such written response shall become part of the record.~~

A. The administrator of the office where a record is located shall:

1. [Former section Keep a record of requests for access
2. Create procedures to assure that confidential and personal identifying information such as social security numbers be removed from records before they are released.
3. [Former III.B.] Normally during the examination of an employee's file, this file shall remain under the direct supervision of the employee (or of his or her designated agent) officially charged by the University with the responsibility for the maintenance of this record Provide a safe method by which records can be viewed and copied that assures that the originals are not removed from the office, damaged, or altered.
4. Consult with University Counsel concerning any subpoena or other governmental demand to have access to records.
5. Not release any record except in accordance with this policy.

B. Academic appointees who want access to their Personnel Files may:

1. Obtain from the chief academic affairs officer of the campus a list of all offices where records concerning the appointee may be located.
2. Obtain access to records upon request made to the principal administrator of the office, school department, program or division that maintains the records. Records shall be made available to the appointee as soon as possible and always within five business days.
3. Obtain copies of those records.

C. Members of the public may obtain records of academic employees only by following the procedures in the Indiana Access to Public Records Act or by other legal processes. Confidential records may not be disclosed and confidential information contained in an otherwise disclosable document must be redacted.

D. Questions about the scope of this policy, document redaction, protecting privacy, or the proper handling of a demand to records, should be referred to the University Counsel's office

DEFINITIONS:

The terms "record" and "file" shall be understood to mean any items or collections of information on individual academic employees including transcripts of conversations, recorded and stored in any medium under personal name or by any equivalent identifying number or symbol.

A. "Academic appointees" are all individuals covered by ACA-14, Classification of Academic Appointments, including visiting, adjunct and acting faculty; academic specialists; and emeritus faculty.

B. "Chief academic affairs officer" means the Vice-Provost or Vice-Chancellor of Academic Affairs on each campus or their designee.

C. "Confidential" records and information include an appointee's home address, private telephone number, and social security number; financial and medical information; information concerning research, including actual research documents; information that is confidential under UA-02, Americans with Disabilities Act Policy; UA-03, Sexual Misconduct; UA-04, Whistleblower Protection, or other university policies; and information that is exempted from disclosure by the Indiana Access to Public Records Act.

D. "Personnel File" is meant broadly to include all records and information collected in connection with an individual's appointment, promotion, tenure, performance, assignment of duties, misconduct, student evaluations, and related matters.

E. "Records" refers to all items or collections of information on individual academic appointees, in print, digital, audio-visual or any other medium, if stored or searchable by individual name or identifying symbol.

F. "University official" is a person employed by the university in an administrative, supervisory, or academic position, including law enforcement personnel and health staff; an individual serving on the Board of Trustees; or an individual serving on a board of review or a promotion, tenure, disciplinary or grievance committee.

G. "University records" are records maintained by an administrative office of the university, a campus, or any college, school, department, program or division.