

INDIANA UNIVERSITY

POLICY GOVERNING ACCESS TO AND MAINTENANCE OF ACADEMIC EMPLOYEE RECORDS

(By Action of the University Faculty Council: October 11, 1983)

I. Definitions and Principles

A. The term academic employee shall be understood to mean all employees with the following rank codes: IR, LI, OA, CN, AA, and MD.

B. 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.

C. 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.

D. Each academic employee shall upon request obtain from the Dean of the Faculties or the Dean for Academic Affairs of the campus a list of all places where records concerning the employee are maintained by the University.

II. Public Access to Academic Employee Records

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.

III. Access to Academic Employee Records 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.

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.

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.)

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. a. 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 adviser.

- b. 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 adviser 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 is reasonable, 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.

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.

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.

[This document was initiated by the Bloomington Faculty Council; the final text is a combined product of the University Faculty Council, the Bloomington Campus administration, and the Indianapolis Campus administration. It was implemented by President Ryan at the University Faculty Council meeting of October 11, 1983.]