

IX-15
INFORMATION PRACTICES GUIDELINES
(Revised 10/10)

This directive establishes certain guidelines for implementation of Section 160 and portions of Section 220-80 of the Academic Personnel Manual, and also of certain provisions of the Information Practices Act of 1977.

Section 160 does not open personnel files to the candidate. Rather it allows individuals access to non-confidential material in their files, under specified conditions. It serves as a mechanism for providing summaries of confidential material while maintaining the confidentiality of the review process. Please refer to Section 160-20b(1) for a definition of "confidential" documents. The University maintains that the Manual is consonant with the provisions of the law.

I. Responsibility

Chairpersons are responsible for properly processing most personnel actions concerning faculty members (APM 220-80 b). They should be sure to follow the APM and the steps outlined in the "Chairperson's Checklist for Academic Advancement" (Red Binder, I-22). Before the departmental recommendation is determined, the Chair must provide the candidate the opportunity to review all non-confidential documents in the review file and must provide, upon request a redacted copy of the confidential material in the file. Redaction of a letter of evaluation is defined as removal of the name, title, organizational/institutional affiliation, and relational information contained below the signature block.

If significant new information is to be added to the personnel review file after it has been forwarded to the office of the appropriate Dean, the candidate should be informed of it (or the substance of it, if confidential) and be given an opportunity to comment on the information. Any written comment should be forwarded to the office of the appropriate Dean. This procedure is specifically required (APM 220-80 h) in the case of information requested by reviewing agencies.

Section 220-80 i states that after the final administrative decision has been communicated to the candidate, the candidate shall have the right, upon written request, to receive from the Chancellor a written statement of the reasons for the decision, including a copy of non-confidential documents and a redacted copy of the confidential academic review records (APM- 160-20 b(1)). Redaction of ad hoc committee reports will consist of the removal of the names of individual members of the committee. Dean's comments, CAP reports and any correspondence between these agencies and the Associate Vice Chancellor for Academic Personnel (or designee) will be provided in their entirety.

The Associate Vice Chancellor for Academic Personnel will, upon written request, provide the copies of non-confidential documents and redacted copy of the confidential academic review records to the candidate. A copy of documents given to the candidate is retained in the personnel file of the candidate in the Office of Academic Personnel, but it is not used in any subsequent personnel reviews, nor is it considered to be part of the review process. A candidate may elect to have the documents introduced into his/her personnel file, but he/she must notify the Associate Vice Chancellor, Academic Personnel of that in writing. If the documents are so introduced, they then become part of the review file.

The Office of Academic Personnel is the office of record for all requests for copies and redactions of confidential documents pertaining to final personnel actions. Such copies and redactions will not be issued by other offices.

II. Access to Non-confidential Documents

- A. Academic appointees shall have the opportunity at reasonable times to inspect all documents concerning themselves, other than confidential documents, in any of the academic personnel records maintained within the department, in the dean's office or in the Office of Academic Personnel. This includes the right to receive the first copy of such material free and subsequent copies at reasonable cost.
- B. All persons who wish to inspect the non-confidential portions of their files in the deans' office or the Office of Academic Personnel should apply in writing to the Associate Vice Chancellor, Academic Personnel.
- C. Faculty members also have the right to inspect the non-confidential portions of their files in the

departmental offices at reasonable times. (Note: Departments are urged for the convenience of the department and the individual, to maintain two files--one for the confidential materials and one for non-confidential materials.)

III. Request for redacted copies of Confidential Materials (Under APM 160-20 c (1) and (2); and IPA 1798-38)

- A. Requests for redacted copies of confidential materials (including reviewing agency reports and correspondence) on personnel actions should be addressed to the Office of Academic Personnel in writing.
- B. Departments provide redacted copies of letters of evaluation prior to determination of the departmental recommendation.

IV. Application of Regulations and Laws

The Information Practices Act applies to all non-student personnel actions. In general, this means that Sections II, 111A, IV and VI of these guidelines apply to all such procedures. Other provisions apply only to those academic personnel series listed in APM 160-20 c (4).

V. Corrections, Deletions and Statements

The Academic Personnel Manual (160-30) and the Information Practices Act (1798.35 to 1798.37) provide rather similar rights and procedures for the correction of the personnel records on request of the individual who is the subject of the records, or for the addition to the file of a statement by that individual.

In the case of information that exists solely in a departmental file, the Chairperson may receive requests for changes and act upon them and may insert into the file statements by the candidate commenting upon the file.

In the case of information that exists in the files of Academic Personnel, or of a Dean, requests for changes or the insertion of statements will be addressed to the Associate Vice Chancellor, Academic Personnel, and will normally be forwarded via the Chairperson, who may comment upon them. Before changes are made by the Associate Vice Chancellor, upon formal request of the individual, the Committee on Academic Personnel will be consulted.

VI. Inspection of Personnel Records by Third Parties

The general rule is that persons (other than the subject of the records) or agencies shall not have access to academic personnel records pertaining to an individual, and shall not be furnished information from such records, without the written consent of the individual. There are exceptions to this general rule, as, for instance, in the case of a subpoena.

Chairpersons may release the following information to the indicated persons upon request:

- A. University employees may have access to the personnel records of individuals to the extent that such access is needed to perform their officially assigned University duties, provided that such access is related to the purpose for which the information was acquired.
- B. Members of the public may be informed of:
 - 1. The employee's date of hire
 - 2. The current job title
 - 3. The current rate of pay of the job title
 - 4. Organizational unit assignment (e.g., department)
 - 5. Current job description
 - 6. Campus address
 - 7. Campus telephone number
- C. A campus telephone book or directory.

All other requests for information concerning individual academic employees (not listed in B and C above)

should be referred to the Office of Academic Personnel.

APPENDIX A

The following is the policy for material collected prior to September 1, 1992.

Section 220-80i provides that "After the final administrative decision has been communicated to the candidate, the candidate shall have the right, upon written request, to receive from the Chancellor...a written statement of reasons for that decision..."

In accordance with APM 220-80i, drafts of all such written summaries are submitted to the Committee on Academic Personnel for review and comment before being sent to the candidate. The final draft of the comprehensive summary, however, is sent only to the candidate, since it is considered to be part of the review process. A candidate may elect to have the summary letter introduced into his/her personnel file, but he/she must notify the Associate Vice Chancellor, Academic Personnel of that in writing. If the summary letter is so introduced, it then becomes part of the review file.

The Office of Academic Personnel is the office of record for all requests for summaries of confidential documents pertaining to final personnel actions. Such summaries will not be issued by other offices.

II. Access to Non-confidential Documents

- A. Academic appointees shall have the opportunity at reasonable times to inspect all documents concerning themselves, other than confidential documents, in any of the academic personnel records maintained within the department, in the Dean's office or in the Office of Academic Personnel.
- B. All persons who wish to inspect the non-confidential portions of their files in the Dean's office or in the Office of Academic Personnel should apply in writing to the Associate Vice Chancellor for Academic Personnel.
- C. Faculty members also have the right to inspect the non-confidential portions of their files in the departmental offices at reasonable times (Note: Departments are urged for the convenience of the department and the individual, to maintain two files--one for the confidential materials and one for non-confidential materials).

III. Request for Summaries of Confidential Materials (Under APM 160-20c (1) (2); and IPA 1798-38)

- A. Requests for summaries of confidential materials on personnel actions should be addressed to the Office of Academic Personnel, in writing if a written summary is desired, except that certain summaries are to be provided to individuals by the chairperson as noted in the "Chairperson's Checklist for Academic Advancement," and APM 220-d, e, and h and also 220-84b.
- B. In accordance with APM 220-80i, drafts of all such written summaries provided by the Associate Vice Chancellor, Academic Personnel will be submitted to the Committee on Academic Personnel for review and comment.