

## C70: Confidentiality of Faculty Records

Approved By: Faculty Senate and Board of Regents

Effective Date: **Draft 11/8/21**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Provost's Office of Academic Affairs or Vice President for Health Sciences' Office Academic Affairs.

**Legend for highlights:** Text from current policy shown in **black**; recommended changes to address current practice are shown in red, underlined.

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate

### POLICY RATIONALE

Although UNM maintains a variety of information applicable to faculty members, it is important to differentiate between information that is placed in a faculty member's "Faculty Personnel Files" and files maintained by components of UNM for reporting and/or documentation purposes. Additional files may exist containing information pertaining to individual faculty members that are maintained by administrative offices, units, subunits, and branches under the ultimate authority of the President of UNM. Such files are not Faculty Personnel Files under this Policy, whether in written or electronic form. Designated Faculty Personnel Files must contain include, and are limited to, any written information used to any degree in making a decision concerning the employment, rank, or status of a faculty member. This Policy identifies the type of information that may be placed in Faculty Personnel Files, the location of those files, confidentiality of the information, and rights and responsibilities pertaining to the Faculty Personnel Files. This Policy also discusses how faculty information that is subject to the Inspection of Public Records Act is handled.

### POLICY STATEMENT

~~Collectively, these documents are referred to in this Policy as~~ Faculty Personnel Files concerning UNM faculty of the University of New Mexico shall be gathered, retained, disclosed, and used by academic or administrative units of the University subject to the following rules stated in this Policy. Agreements reached by collective bargaining will hold precedence over any element of this Policy for faculty members covered by a collective bargaining agreement.

#### 1. Collection and Retention of Information

1.1 No more than one (1) personnel file shall be maintained in each of the following locations:

- (1) the faculty member's department (or other primary academic unit),
- (2) the faculty member's college,

(3) and/or in the office of the Provost or Executive Vice President for Health Sciences (EVPHS).

Faculty Personnel Files shall be compiled or retained by UNM academic or administrative units of the University solely for the purposes of administering the UNM University personnel system, including the consideration of promotion, tenure, and separation from employment.

**1.2** An item of information may be introduced into a faculty personnel file only if accompanied by written identification of the source of the information subject to the right of peer or student evaluators to keep their identities confidential from the faculty member evaluated as provided in section **2.2** herein. However, if a complaint of misconduct is made against a faculty member and a determination is made that no misconduct occurred, the faculty member retains the right to decide what information, if any, is documented in their Faculty Personnel Files or any component thereof. **NOTE: This language attempts to address the C07 concern raised.**

**1.3** Administrators with responsibility for the creation of Faculty Personnel Files identified in section 1.1 herein above are responsible to maintain the file and its security during the faculty member's employment at UNM the University and at least five (5) years thereafter (files of emeritus faculty shall be maintained during the faculty member's lifetime and at least two (2) years thereafter).

**1.4** The administrative officer responsible for maintaining Faculty Personnel Files shall notify faculty in writing of any material deleted from their Faculty Personnel Files, the nature of the material and the reason for the action. In a similar manner, faculty shall be notified in writing of any material added to their file(s) with respect to which they have not been copied. Faculty members have the right to know and the responsibility to examine their Faculty Personnel Files. Information

1.5 With the exception of the faculty member's Dossier as described in Section B policies of the Faculty Handbook, other information outside of the Faculty Personnel Files may not be used for making a decision regarding faculty promotion, tenure, and separation from employment.

1.6 Information that is maintained by UNM administration is subject to applicable federal and state laws and regulations.

## **2. Access to Information by the Faculty Member**

**2.1** Each faculty member has the right to inspect and review within ten (10) days without unreasonable delay by UNM the University (normally within two weeks) their Faculty Personnel Files and any record or file maintained on the faculty member him or her by UNM the University subject to the provisions of this Policy and any limitations imposed by law. If additional time is needed to produce a record for inspection, the faculty member shall be informed in writing of the reason for the delay and the date such record will be available. Each faculty member has the right to challenge the accuracy of any item of information in their her or his Faculty Personnel Files, including the right to introduce rebuttal statements or evidence into the files. The faculty member may request the administrative officer of the unit maintaining the file to amend or delete any item of information contained in the file. The administrative officer shall respond to a faculty member's request within two (2) weeks, and if the request is denied, shall state in

writing the reasons for the denial. The decision of the administrative officer must be approved by the dean and the Provost's Office/ EVPHS Vice President for Health Sciences. The administrative review process delineated herein does not replace the right to appeal such action if it is within the purview of the Academic Freedom and Tenure Committee (AF&T).

**2.2** UNM the University respects the desire of many authors of faculty evaluations to keep their identities confidential, including from the faculty member being evaluated. Such matters of opinion include letters of reference for employment, internal peer evaluations of a faculty member, student evaluations, letters received from peer reviewers outside the University, as well as those portions of the recommendations of the faculty member's chair or dean or the Senior Vice Provost Associate Provost that may reveal the identities of peer or student evaluations.

a. If a faculty member makes a request to review and/or copy such evaluations, an academic administrator, prior to permitting such review or copying, shall redact material that may reveal the identity of the author. If it does not appear feasible to protect the identity of the author through redaction, the document may be accurately summarized in writing for the faculty member instead. If the author of an evaluation submits a written waiver of confidentiality, the evaluation may be reviewed or copied by the faculty member without redaction. If requested by the faculty member, a member of the Provost/EVPHS office and a member of the Committee on Academic Freedom and Tenure designated by the Chair of the Committee shall verify the accuracy of the redacted or summarized documents.

b. If such information is requested by a third party, the faculty member shall be advised of the request prior to the release of the information.

**2.3** To the extent information is confidential under this Policy, or privileged under law (for example, materials subject to attorney-client privilege), it shall not be available for inspection by the faculty member. Such information shall be retained separately and shall be available for inspection only by UNM University officials granted access, by virtue of their assigned whose duties ~~make it necessary for them to know the particular~~ information requested. In the case of privileged information, the administrative officer of the academic or administrative unit maintaining the files shall introduce a memorandum that states the nature of the privileged information, its date and source and the type of privilege asserted.

**2.4.** Any confidential medical information maintained by UNM shall be protected in a manner consistent with applicable state and federal laws.

**2.5.** Consistent with UAP Policy 3710, faculty information shall be made available only to those members of the Administration who have a legitimate business reason to view the information.

**2.6** The Academic Freedom and Tenure Committee and the University Secretary may have access to Faculty Personnel Files when an issue is appealed to AF&T in accordance with Section B of the Faculty Handbook.

### 3. Public Access to Information about Faculty Members

**3.1** Any person is entitled to the following public information maintained by [UNM the University](#) concerning a faculty member: present position, department, salary, dates of employment, and curriculum vitae, including educational qualifications, past employment, progress at [UNM the University](#) (initial employment, promotions, attainment of tenure, sabbaticals), publications, news items, awards and achievements. A faculty member may give written authority for the release of other information, said letter to be maintained in the faculty member's faculty personnel file.

**3.2** Other than as provided in section **3.1** herein, records or information concerning a faculty member shall be made available by the custodian of a file of record only to those members of [UNM the University](#) who have an official role in the evaluation of that faculty member for purposes of employment, rank, status, salary, or other such decisions and whose role makes it necessary for them to know the contents of that faculty member's Faculty Personnel Files.

**3.3** All requests for information from persons who are not members of [UNM the University](#) shall be referred to [UNM the University](#) Custodian of Public Records, which will coordinate a proper response with the appropriate [Academic Affairs Faculty Contracts](#) Office. The Custodian shall attempt to advise the faculty member by email and [phone](#) his or her telephone number of the request for the release prior to the release of any records. In coordination with the Custodian, the appropriate [Academic Affairs Faculty Contracts](#) Office shall make available for inspection upon request the releasable information concerning a faculty member. A record of the name and address of any member of the public making such request shall be kept in the faculty member's faculty personnel file at the [appropriate Academic Affairs Provost/VPHS](#) office and be available for inspection by the faculty member.

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## APPLICABILITY

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[All UNM faculty including the Health Sciences and branch community colleges.](#)

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## DEFINITIONS

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[No specific definitions are required for the Policy Statement.](#)

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.
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## WHO SHOULD READ THIS POLICY

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- [Faculty](#)
- [Department Chairs, academic deans and other academic administrators and executives.](#)

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## RELATED DOCUMENTS

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UNM Regents Policy Manual

Policy 2.9 “University Archives and Records”

Policy 2.17 “Public Access to University Records”

Policy 5.7 “Confidentiality of Faculty Records”

Policy 6.7 “Disclosure of Information About Candidates for Employment”

Policy 6.8 “Disclosure of Information about Employees”

Faculty Handbook

C07 “Faculty Misconduct and Progressive Discipline Policy”

Section B “Academic Freedom and Tenure”

University Administrative Policies and Procedures Manual

Policy 2030 “Social Security Numbers”

Policy 2300 “Inspection of Public Records”

Policy 3710 “Personnel Information Disclosure Policy”

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## CONTACTS

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Direct any questions about this policy to the Provost’s Office of Academic Affairs or Vice President for Health Sciences Office of Academic Affairs.

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## PROCEDURES

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The following table lists allowable documents to be placed in a faculty member’s Faculty Personnel Files and where the various documents are housed.

<b>Documents</b>	<b>Department File</b>	<b>College School File</b>	<b>Academic Affairs File</b>	<b>Human Resources Files</b>
Offer letter	X	X	X	
Annual performance reviews	X	X		
Response/rebuttal to annual review	X			
Annual performance review summaries		X	X	
Peer teaching observations	X			
CV	X	X	X	
Tenure and promotion documents, including <ul style="list-style-type: none"><li>Chair’s &amp; Dean’s letter, department and College committee recommendations</li></ul>		X		
Tenure and promotion dossier (rpt archive, including: <ul style="list-style-type: none"><li>Chair’s, Dean’s, SVP, and Provost’s letter, department, college &amp; Provost committee recommendations, external letters</li></ul>			X	

• Teaching portfolio, scholarly/creative work exemplars, etc.				
Personnel Actions – initiated at dept level	X			
Personnel Actions		X	X	
Sabbatical leave request	X	X	X	
Sabbatical report		X	X	
Parental leave request	X	X	X	
Special Administrative Compensation (SACs)	X	X	X	
Faculty discipline (C07): Chair’s written report – summary	X			
Faculty discipline (C07): Dean’s notice – uphold, modify or reverse disciplinary action		X		
Faculty discipline (C07): Provost’s notice – uphold, modify or reverse disciplinary action			X	
Censure, suspension without pay, notice of dismissal	X	X	X	
Benefits				X
W2				X
Retirement				X
I9				X

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## DRAFT HISTORY

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October 26, 2021 – Revised draft to address faculty concerns regarding C07 and Collective Bargaining Agreements.

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## HISTORY

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*(adopted by the Faculty Senate 4/15/80 and the Regents 7/28/81) Revisions approved by the Faculty Senate 3/25/03 as recommended by the Academic Freedom and Tenure Committee; approved by the Faculty Senate 4/22/03; approved by the Regents 5/16/003; Revisions approved by the Faculty Senate October 27, 2009; approved by the Regents December 15, 2009.*