

**Draft 10/20/2008**

**C70**  
*Policy*

## **CONFIDENTIALITY OF FACULTY PERSONNEL RECORDS**

(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 5/16/03

Personnel files concerning 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:

### 1. Collection and Retention of Information

1.1 No more than one 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 Vice President for Health Sciences.

Collectively, these documents are referred to in this Policy as "faculty personnel files." Designated faculty personnel files must include any written information used to any degree in making a decision concerning the employment, rank or status of a faculty member.

Faculty personnel files shall be compiled or retained by an academic or administrative units of the University solely for the purposes of administering the 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.

1.3 Administrators with responsibility for the creation of faculty-personnel identified in 1.1 above are responsible to maintain the file and its security during the faculty member's employment at the University and at least five years thereafter (files of emeritus faculty shall be maintained during the faculty member's lifetime and at least two 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 personnel files. However, as defined in sections 2.2 and 2.3, faculty cannot have access to confidential information.

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

2.1 Each faculty member has the right to inspect and review without unreasonable delay by the university (normally within two weeks) any record or file maintained on him or her by 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 her or his faculty personnel file, 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 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/Vice President for Health Sciences.

2.2 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 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/VPHS 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 University officials whose duties make it necessary for them to know the particular information. 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.

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

3.1 Any person is entitled to the following public information maintained by the University concerning a faculty member: present position, department, salary, dates of employment, and curriculum vitae, including educational qualifications, past employment, progress at 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, records or information concerning a faculty member shall be made available by the custodian of a file of record only to those members of 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 file.

3.3 All requests for information from persons who are not members of the University shall be referred to the University Custodian of Public Records, which will coordinate a proper response with the appropriate Faculty Contracts Office. The Custodian shall attempt to advise the faculty member by email and 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 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 Provost/VPHS office and be available for inspection by the faculty member.