

Submitted for reapproval (first reading) to the Faculty Senate, May 20, 2022

Text in green marks changes introduced by the Provost's office and Faculty Guide Editing Committee after the initial Senate approval of article 8 on Nov. 13, 2020

Article 8 – Faculty Personnel Files

8.1 General

- a. Files related to the teaching, scholarship and service of individual Faculty members are maintained by the Office of the Provost, the Faculty member's Dean and the Chairperson of the Faculty member's Department. The totality of material contained in these files comprises and shall be referred to as the Faculty member's "Official Academic Personnel File."
- b. Official Academic Personnel Files are confidential and must be kept in secure locations where they may not be accessed other than by individuals authorized by the Provost, Dean, or Chairperson.
- c. Materials in the Official Academic Personnel File shall ordinarily be kept in paper form. However, the Office of the Provost may designate electronic repositories where materials related to teaching, scholarship, service and their evaluation may be kept in electronic form. Such materials shall be considered part of the Official Academic Personnel File. All limitations and restrictions applying to Official Academic Personnel File as delineated in this Article shall also apply to these electronic records.

Commented [NK1]: Original language read: "a single electronic repository."

8.2 The Official Academic Personnel File

- a. The Official Academic Personnel File of each Faculty member may include, but are not limited to, the following:
 1. Materials related to the initial hire including, but not limited to, application, curriculum vitae, sample materials, and letters of recommendation;
 2. The Letter of Appointment, initial and any subsequent contracts, and other such agreements between the Faculty member and the University;
 3. A current curriculum vitae, which the Faculty member is responsible for updating;
 4. All recommendations and decisions pertaining to the Faculty member's status, rank, and responsibilities;
 5. All nonstudent evaluations of teaching (generally kept in the Department Chairperson's files);
 6. Agreements between the Faculty member and University officials;
 7. All materials related to annual review and contract renewal

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including, but not limited to, recommendations from the Chairperson and Dean, and materials submitted by the Faculty member in support of renewal;

8. All materials submitted in connection with an application for tenure and/or promotion;

9. All materials submitted in connection with an application for a sabbatical or professional leave as well as the faculty member's report to the Provost on the sabbatical or other leave, if applicable;

10. All materials related to the awarding of merit pay or other awards and incentives;

11. Materials related to changes in teaching load, including course releases;

12. Correspondence to the Faculty member regarding any findings resulting from reviews or investigations in which violations of University policy were alleged.

b. The following materials should not be kept in Official Academic Personnel Files:

1. Records of the content of views expressed or actions taken by faculty members whether in support of or in opposition to administration policies arising out of the legitimate exercise of faculty rights of shared governance as set forth in the Faculty Guide.
2. Materials gathered or created in connection with allegations of violation of University policy, including but not limited to, confidential reports, findings, decisions, and communications, except as permitted under Article 8.2.a.123.
3. Faculty members may not review material the confidentiality of which is required under federal, state, or local law, University policy or by the requirements of accrediting or other regulatory bodies. Generally, such materials should not be included in Official Academic Personnel Files, and should be removed if present.

c. Materials solicited by the University under assurances of confidentiality including, but not limited to, letters of recommendation in support of an application for employment and external review letters gathered in connection with an application for tenure and promotion may be retained in an Official Academic Personnel File, but must be clearly identified as confidential.

8.3. Examination by Faculty Member

a. Faculty members may review their Official Academic Personnel File by appointment with the Office of the Provost or with the individual Faculty member's Dean or Chairperson as applicable.

b. The Official Academic Personnel File must be made available for review during regular business hours by the Faculty member within five University business days of the receipt of a written request from the Faculty member. A Faculty member shall be permitted to make copies of materials in the faculty member's Official

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Academic Personnel File.

- c. Notwithstanding the foregoing, the Faculty member shall not be entitled to review material deemed confidential in accordance with this Article or by any University policy. The Department Chairperson, may, however, in accordance with Article 5.2.b., communicate to the Faculty member information regarding the content of a confidential review letter provided that the identity of the author is not revealed.

8.3 Review by Others

The Official Academic Personnel File shall be available to the Chairperson(s), the Dean, and the Provost. Access to the Official Academic Personnel File may be delegated to individuals authorized by the faculty member's Dean or the Provost only in connection with the conducting of official business. All individuals having access to Official Academic Personnel Files are to maintain the contents of such files in confidence.

8.4 Rebuttal and Removal

- a. If a Faculty member alleges that some of the contents of his or her Official Academic Personnel File are demonstrably false, malicious and/or unjustifiably injurious to reputation and professional advancement, the following opportunities shall be available:
 - 1. The Faculty member may include in the Official Academic Personnel File any rebuttal material and evidence she or he may chose;
 - 2. The Faculty member may make a request to the Chairperson, Dean, and/or Provost to have such material removed from the Official Academic Personnel File and destroyed.

8.5 Other Files

- a. Nothing in this Article shall limit the University in the maintenance and retention of records dealing with business matters, such as, payroll, benefits, compliance, and training, in files outside of the Official Academic Personnel File. Upon adequate notice, and subject to the requirements of federal, state, or local law, or by the requirements of accrediting or other regulatory bodies, faculty members may be provided with appropriate information about themselves from such records to meet their stated needs.
- b. This Article shall not limit the University in the maintenance of records required by federal, state, or local law, or by the requirements of accrediting or other regulatory bodies. For example, matters related to charges of discrimination and/or whistleblowing.

Commented [NK7]: Last sentence moved up from 8.6.c