

These rules apply to the following series: Professor, Professor in Residence, Acting Professor, Adjunct Professor, Visiting Professor, University Professor, Lecturer, Lecturer with Potential of Security of Employment (LPSOE), Lecturer with Security of Employment (LSOE), Senior Lecturer with Potential Security of Employment (SLPSOE), Senior Lecturer with Security of Employment (SLSOE), Professional Research, Specialist, Project, Librarian.

## **A. FILE AND RECORD MAINTENANCE**

### **Personnel Review File (“case file”)**

The personnel review file is maintained by the University. It is the collection of materials pertaining to an individual for purposes of consideration of **active personnel reviews/actions**. Final administrative decisions concerning personnel actions shall be based solely upon the material contained in the individual’s personnel review file.

### **Academic Personnel Records**

The Academic Personnel Record is the individual’s official University file that is kept in the Academic Personnel Office. It includes the following two categories of materials:

#### **1. Personnel Review Record**

All materials related to past and current personnel actions from appointment through separation from UC Merced. Includes:

- Letters of evaluation received by the University with the understanding that they were confidential and not to be shown unredacted to the candidate;
- The Unit Chair's letter setting forth a personal recommendation in connection with an academic personnel action concerning the individual; and
- Reports, recommendations, and other related documents from campus and Unit committees concerning evaluations in connection with an academic personnel action.

#### **2. Other Academic Personnel Records**

Other academic personnel records pertaining to the individual as an employee of the University may include the following materials:

- Miscellaneous correspondence
- Sabbatical records
- Documents relating to administrative appointments
- Employment history other than that contained in the personnel review file
- Retirement documents
- Payroll documents
- Academic Senate correspondence concerning the individual
- Other similar information.

Such materials shall not be referred to or considered in connection with a recommendation or decision in a personnel action involving an individual unless they are made part of the individual’s personnel review file by an appropriate administrative officer. Records regarding leaves other than sabbaticals are maintained in a separate file in APO.

**B. ACCESS BY OTHER PARTIES**

University policy and State and Federal laws recognize the individual’s right to privacy, as well as the public’s right to know about the governance of public institutions. In order to clarify access rights of the individual to whom academic personnel records and personnel review files pertain and third-party disclosure rights, University policy classifies information as confidential, non-confidential, personal, or non-personal.

All requests for access to information in academic personnel records should be made to the Vice Provost for the Faculty (VPF). This applies to all files, wherever they are maintained.

Chart 1002-1 Summary of Types of Academic Personnel Records and Candidate Access Policies			
Category	Documents	Classification	Candidate Access Policy*
1	Solicited internal or external student/colleague letters of evaluation requested by Candidate (usually not by formal letter)	Confidential	May receive redacted copy
2	Unsolicited internal or external letters of evaluation not submitted by Candidate	Not part of case discussion & not placed in Case File	No Access
3	Candidate- or School-suggested external letters of evaluation	Confidential	May receive redacted copies before Unit recommendation or after final decision
4	<b>Letters</b> Unit letters/Case Analysis	Non-Confidential & Confidential	May receive copy with committee membership redacted
5	Unsolicited letters added to file by Candidate	Non-Confidential	May receive copy intact
6	Transmittal memo (Unit Vote)	Confidential	May receive redacted copy
7	Dean's letter	Non-Confidential	May receive copy intact after final decision
8	Qualifications of outside letter writers	Confidential	No Access
9	Teaching Evaluations	Non-Confidential	May receive copy intact
10	Request from CAP for Additional Information	Non-Confidential	May receive copy and has opportunity to respond
11	<b>Other Documents/Reports</b> Additional information submitted by Unit or by Chair on behalf of Unit and certified by Candidate	Non-Confidential & Confidential	May receive copy of additional information submitted for further consideration; may receive copy of redacted confidential material; may request opportunity to respond
12	CAP Report	Non-Confidential	May receive redacted copy after the final decision
13	Chancellor's or Designee's Final Decision	Non-Confidential	Receives copy after the final decision

\*The **Procedural Safeguard Statement** ensures that the candidate is given the opportunity to exercise his or her rights to access.

### **ACCESS BY ALL OTHER PARTIES**

Access by University officers and employees to confidential information shall be strictly limited to those officers and employees who need such access in the performance of their officially assigned duties, provided that such access is related to the purpose for which the information was acquired. Governmental agencies have access to confidential information when required by State or Federal law.

### **REQUESTS FOR MODIFICATION TO ACADEMIC PERSONNEL RECORDS**

**An individual may request, in writing, from the Vice Provost for the Faculty (VPF):**

- That a statement of fact in an Academic Personnel Record pertaining to that individual be corrected;
- That material be deleted if it was improperly included; or
- That a statement by the individual, in response to material in the Academic Personnel Record of the individual, be included in that record.

All requests from individuals that their own records be amended (other than routine updates, etc.) should be put in writing and should include a clear statement of the change desired and the reason for it. The statement may be sent to the VPF via the Academic Personnel Office.

Within a reasonable time period (not more than 30 calendar days), the VPF will, with advice from the Committee on Academic Personnel, determine whether the requested correction or deletion will be made. In any event, the individual has the right to have inserted into the appropriate record any statement he or she wishes in response to or commenting upon the challenged material.

### **D. REFERENCES: UNIVERSITY POLICY**

**APM 158**, Rights of Academic Appointees, Including Rights Regarding Records

**APM 160**, Academic Personnel Records/Maintenance of, Access to, and Opportunity to Request Amendment of

**APM 160, Appendix A**, Supplemental Information Regarding Academic Policy 160

**APM 160, Appendix B**, Additional Academic Personnel Policies Pertaining to Academic Records

**APM 220-80**, Recommendations and Review - General Procedures