

Academic Affairs Manual (ACD)

ACD 811: Access to and Release of Official Personnel Records Information

Effective: 11/1/1974

Revised: 7/1/2011

Purpose

To determine who will be granted access to personnel records and to define the circumstances under which release of information will be authorized

Sources

Arizona Revised Statutes § 41–1346

Arizona Board of Regents Policy Manual - 6–912

Office of the Provost of the University

Applicability

Faculty

Academic professionals

Policy

Faculty and Academic Professional Review/Access

A [faculty member](#) or [academic professional](#), or a person authorized by the faculty member or academic professional in writing, may review his or her official personnel records with the exception of confidential references and external letters of review for hire, tenure/continuing appointment, and promotion, upon presentation of proper identification. Requests must be made 24 hours in advance to the Office of the Provost of the University during normal office hours (8:00 a.m. to 5:00 p.m.), Monday through Friday so that confidential letters of reference may be removed from the file. Photocopying is not allowed but notes may be taken. A faculty member or academic professional may submit written statements protesting or supplementing data contained in the record. All such statements must be signed and dated by the individual.

Personnel records and information are confidential, and their disclosure, other than as provided for in this policy, would be contrary to the best interests of the state and is unauthorized. Any unauthorized access, release, or use of personnel information shall constitute employee misconduct. Accordingly, except as provided for in this policy, personnel records shall be treated as exempt from the Arizona Public Records Law.

Disclosure of Information without Faculty Member’s or Academic Professional’s Consent

Only the following information contained in personnel records will be released without the individual’s consent:

Administrative Access

1. All personnel, employment, or related records shall be available only to authorized users for authorized purposes. The president of the institution or the president's designee has final authority to determine what users and purposes are authorized pursuant to this policy. Any unauthorized access, release, or use of personnel information shall constitute employee misconduct.
2. As determined by the president of the institution, authorized officers, employees, or agents of the Board of Regents or of any institution under the jurisdiction of the board may have access to and may disclose personnel records or information as necessary in the prosecution, defense, or resolution of any hearing or dispute regarding personnel matters.
3. Access to personnel records or disclosure of personnel information may be provided when necessary to protect the interests of the institution when the institution believes the actions of an individual violate the conditions of employment or otherwise threaten injury to the institution or to others, to a properly identified law enforcement authority when the institution reasonably believes that an [applicant](#), [employee](#), or former employee may have engaged in illegal activities, or pursuant to a federal, state, or local government statute or regulation that specifically requires disclosure of certain information to certain parties.

Information Considered to Be Public Record

1. name
 2. titles or positions, including academic degrees and honors received
 3. academic unit
 4. campus telephone number
 5. employment dates
 6. salary or rate of pay
- and
7. disciplinary records.

Information Required by Lawfully Issued Administrative Summons or Judicial Order, Including a Search Warrant or Subpoena

General counsel must review and approve disclosure of information required by lawfully issued administrative summons or judicial order, including a search warrant or subpoena. A reasonable effort will be made to notify the faculty member or academic professional prior to compliance. The university may seek a protective order to prevent disclosure of certain documents, such as performance evaluations, on the basis that a qualified privilege exists to protect those documents in the employee evaluation system that are used to make determinations of retention. A reasonable charge may be assessed the requesting party for this service.

Information Required in Compelling Circumstances

Access to personal records or disclosure of personnel information may be provided in compelling circumstance affecting the immediate health or safety of the individual or others.

Information Requested for a Legitimate Business Purpose

Access to personnel records will be granted only to the following persons:

1. Board of Regents and regents' staff
2. external auditors
3. university general counsel
4. Human Resources staff
5. president or president's designee
6. provost of the university or designee
7. management directly responsible for the faculty member or academic professional

8. ASU hiring officials considering an ASU employee as a finalist for transfer, promotion, or reemployment from layoff
and
9. other persons as authorized by the provost of the university.

Disclosure of Information with Faculty Member's or Academic Professional's Consent

Any of the contents of the official personnel record (except confidential letters of reference or recommendations) may be released with the written consent of the faculty member or academic professional. This may include verification for:

1. mortgage and bank loan application(s)
2. student loan deferments
3. government agency background checks
and
4. job references.

Character or personal reference requests are referred to individual departments.

ASU Directory Information

The following information will be published in the online *ASU Directory*:

1. name
2. title
3. academic unit
4. e-mail address
5. campus location
and
6. campus telephone number.