THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	Personnel	**Number:**	201.46
		Revised:	10/1/91
SUBJECT:	Personnel Records - Collection, Retention and Release	**Date Issued:**	
		Attachment(s)	0
APPLIES TO:	Personnel Records for all University Faculty and Staff		
ISSUED BY:	Personnel Office and Assistant Vice President for Academic Affairs - Personnel		

I. Policy

The collection, availability and disclosure of the contents of personnel files is governed by regulations established by the University and applicable laws.

The Faculty and Staff Records Office, the Medical Center Staff Records Office and the custodian of personnel files or records in various departments, schools, colleges or other University offices are subject to these regulations.

II. Regulations and Definitions:

A. Personnel Record

1. A personnel record is considered to be any accumulation of documents relating to the terms and conditions of employment of individual faculty and staff members. Such documents include but are not limited to:

application
supplemental information form
publications lists
changes in status form
performance evaluations
reference checks (see 2.a. below)
letters of commendation
position description
position evaluation
disciplinary letters

2. Personnel Record does not include:

a) Reference letters or checks supplied to an employer if identity of the person making the reference would be disclosed.

b) Materials relating to the employer's staff planning with respect to more than one employee.

c) Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.

d) Information about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy.

e) Information that is kept separately from other records and that relates to an investigation by the employer about a complaint or about criminal conduct by the employee.

f) Records limited to grievance investigations.

g) Records kept by an executive, administrative, or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons. However, a record concerning the occurrence or fact about an employee kept pursuant to this paragraph may be entered into a personnel record if entered not more than six (6) months after the date of the occurrence or the date the fact becomes known.

B. Other Personnel Information: In addition to the File Folder, the University's Personnel Office maintains:

1. Computer data base of appointment and address information for individual faculty and staff members

2. Computer data base of information about the employment selection process

3. Grievance files

4. Job applicant files

5. Temporary hourly appointment files

6. Unemployment compensation claims files

C. Maintenance of Personnel Information

1. The University's Personnel File Folder is maintained by the Faculty and Staff Records Office or the Medical Center Staff Records Office (for staff members in the Hospitals, Medical School, Nursing School and Health Service).

2. The Faculty and Staff computer data bases of appointments and addresses are maintained by the Faculty and Staff Records Offices and the Medical Center Staff Records Office.

3. Grievance files are maintained by the Personnel Staff and Union Relations Sections.

4. Job applicant files are maintained by the Personnel Service Center Employment Sections.

5. Temporary hourly appointment files are maintained by the Faculty and Staff Records Offices.

D. Availability of Records: Personnel files will be available in the Personnel Office as follows:

1. Members of University management may review files when there is a need in connection with their University functions. Remote terminal access to the data base is available on the same need to know basis.

2. Staff members may review the University's Personnel File Folder or other files regarding their employment in the presence of a Personnel Representative. Faculty may review the University's file folder in the presence of a supervisor in the Faculty and Staff Records Office. Portions of the file which were secured in confidence (reference checks) or which contain confidential facts about other staff members will be removed prior to this review.

3. Faculty and staff members may submit rebuttals to any documents in their personnel files which will also be included in the file.

4. A copy of the file or selected portions of it will be made available to the staff member upon request, subject to a duplication fee.

E. Retention of Personnel File Data

1. Central University Files

a) The University's Personnel File Folder and data base information will be retained for the entire length of service of each staff member and for seven years following termination. Thereafter the personnel records on the data base will be removed and the file folder will be destroyed unless legal proceedings have been filed.

b) A long term, permanent record of selected personnel information will be retained on a Personnel History Record, housed in the Faculty and Staff Records Office or the Medical Center Staff Records Office and on a segment of the Personnel data base (see appendix I).

c) Forms G will be retained for two fiscal years following the fiscal year of payment.

d) Job applicant files will be retained for three fiscal years following the fiscal year of the filling of the position.

e) Temporary hourly appointment forms will be retained for two fiscal years following the fiscal year of appointment.

2. Operating Unit Files

a) Departmental copies of forms and/or data listed previously should be kept for a period of two years plus the current fiscal year.

b) Departmental information relating to individual staff members outside the definition of a personnel record should be retained in accordance with individually established departmental policies which should be documented. For example, for materials supplied in support of appointment of a new faculty member, the department may wish to retain until the faculty member is evaluated and promoted. Publications need only be kept to document what appears on a curriculum vitae.

c) School and college files about the tenure and promotion process should be retained for a period of six (6) years plus the current fiscal year.

F. Release of Information to Third Parties by Faculty and Staff Records and/or Medical Center Staff Records Office.

1. Central University Files

a) Files or information from files will be made available to those outside the University only if such action legitimately serves the purposes of the University or with the consent of the staff member, or as required by law.

b) Verifications of employment, current or past, will be limited to name, title, date of hire, current or final salary, and termination date, if any.

c) Request for information by government agencies or other investigatory bodies, resulting from individual complaints will be referred to the University General Counsel's Office.

d) When disclosure of a file is forced by subpoena or a Freedom of Information Act (FOIA) request, efforts will be made to notify currently employed staff members as quickly as possible so they will have an opportunity to react on their own behalf.

e) When responding to a FOIA request, all materials exempt from disclosure under section 13 of public act 1976, No. 442 (MCLA 15.243)

will be removed to preserve the privacy rights of individual staff members.

f) Except for disclosure pursuant to a legal action or arbitration, disciplinary information more than four years old will not be released.

g) Personnel files relating to an individual's employment history at the University remain the property of the University.

2. Operating Unit Files

a) Other offices maintaining personnel files as defined in II. A. 1. will observe the same standards of protection and access to files as described in II. F.

b) Operating units should be aware that personnel information contained in their older faculty personnel files may be unique. The Faculty and Staff Records Office holds personnel files for a period of seven years following termination. The appointments computer data base includes information from 1978. Neither the Faculty and Staff Records Office nor the Bentley Historical Library, the archives of the University, has the staff to maintain older personnel records or to extract information from them. Therefore department and units may wish to hold personnel files until they are no longer of value to them and then destroy the files.

III. Procedure:

A. For a faculty or staff member to review folder and obtain copies of documents:

RESPONSIBILITY		ACTION
Faculty/Staff Member	1.	Staff call and make an appointment to review folder with the Personnel Representative in his/her Personnel Service Center or Faculty in the Faculty and Staff Records Office, as appropriate.
Personnel Representative/ Supervisor	2.	Obtain folder from the Faculty and Staff Records Office or Medical Center Staff Records Office.
	3.	Examine folder and remove any information secured in confidence and/or any information of a confidential nature relating to other staff members.

RESPONSIBILITY		ACTION
Faculty/Staff Member	4.	Read the contents of the folder. If copies of material in folder are desired, request from Personnel Representative or Supervisor Faculty and Staff Records.
Personnel Representative/ Records Supervisor	5.	Arrange for copies to be made.
B. To submit rebuttal:		
Faculty/Staff Member	1.	Present hand-written or typed document (not to exceed 5 sheets of 8 1/2 x 11 inch paper) through the Personnel Representative or a Supervisor of the Faculty and Staff Records Office to be included in the University personnel file.
Personnel Representative	2.	Forward the rebuttal to the Faculty and Staff Records Office or the Medical Center Staff Records Office with instructions to file in the individual's personnel file folder.
C. Management's Access to Personnel File Folders		
Department Head or Other	1.	Contact either the appropriate manager of Staff and Union Relations, Employment, or the manager of the Faculty and Staff Records Office.
D. Management's Access to Files on Data Base		
University Department	1.	Contact the Office of Administrative Systems, Information Center to request access to the personnel data base.
E. Freedom of Information Act (FOIA) request for access to file folders		
Individual	1.	Forward request to the Manager of the Faculty and Staff Records Office.
Manager of Faculty and Staff Records	2.	Answer request within five (5) business days.