

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Personnel Records

EFFECTIVE DATE: July 1, 2000

The following policy of Southwest Tennessee Community College on personnel records applies to all employees of the institution and area vocational-technical school in accordance with Tennessee Board of Regents Policy No. 5:01:00:10. All records made or received in connection with the transaction of official Southwest business shall at all time, during business hours, be open for personal inspection by any citizen of Tennessee, unless otherwise provided by law or regulation made pursuant thereto; and the citizen shall have the right to have copies made available in accordance with TCA Section 10-7-506.

1. Personnel Files

- a. The Office of Human Resources maintains a single permanent personnel file for each full-time and part-time employee which contains such records as are relevant and necessary to document the complete employment history of employees. The Permanent personnel file should include, but is not limited to the following: employee application for employment and any transcripts or other information related to such application, employment contracts, salary history, job description, performance evaluations and ratings, recommendations, promotions, tenure letter, honors and awards, and adverse personnel actions.

- b. The permanent personnel file should contain non-confidential recommendations which are relied upon by the institution for the employment or other personnel action related to any employee, but should not contain any recommendation received by the institution under an express or implied condition of confidentiality, and such recommendation, while maintained, shall be maintained as confidential by the institution.

Source of Policy: Transition Team VII
Human Resources

Responsible Vice President for Business,
Administrator: Finance & Info Systems

Related Policy: N/A

TBR Policy Reference: 5:01:00:10

TBR Guideline Reference: N/A

Approved: _____
President

Date: July 1, 2000

- c. The permanent personnel file may contain records of a physician, psychiatrist, psychologist, or other recognized professional, which are maintained or used in connection with any personnel action affecting the employee, but such records, while maintained, shall be maintained as confidential by the institution.
- d. Nothing in this section shall preclude the maintenance of separate automated personnel data systems or personnel files and records for the preparation or generation of regular documents or special reports for the institution, including but not limited to budget reports, payrolls, EEO-6 and affirmative action reports, etc. In addition, nothing in this section shall preclude the maintenance of separate files by dean, department chairpersons, and other supervisory personnel related to personnel under their supervision, provided that the records contained in such files shall be subject to the provisions of this policy.

2. Custody of Records

The Director of Human Resources is designated as the official custodian of permanent personnel records. The Director is responsible for maintaining the permanent personnel files and for ensuring the confidentiality of the records in accordance with this policy.

3. Access to Records

- a. Any employee, or any person authorized by the employee in writing has access to his/her permanent personnel file, excluding confidential materials, and may review and have copies made of all or any portion thereof at a reasonable cost. Copies of files will be made by or made under the supervision of the Director of Human Resources. The review of personnel files will be conducted in the presence of a member of the Human Resource staff. No records may be removed from the Office of Human Resources except by the Director of Human Resources or, in the Director's absence, by a member of the Human Resource staff at the direction of the President or a member of the President's staff.
- b. Any employee may submit a written request to the President to amend any records pertaining to the employee which he/she believes is inaccurate or misleading. Within a reasonable time after receipt of such a request, the President will decide to amend the record, or deny the request. In the event of a decision refusing to amend the record, the employee shall have the opportunity to file a concise statement containing his/her position as to the inaccurate or misleading statement in the record. This statement will be made a part of the permanent personnel file and shall be provided to any person, organization, or agency which receives the contested record.

- c. Except for confidential records as prescribed by law, personnel records will be open for inspection by citizens of Tennessee in the Office of Human Resources during regular business hours. Persons requesting access to records must show identification of Tennessee citizenship, and complete a Request Form to Inspect/Copy Personnel Records. (Attachment I)
- d. Request for access to records must be made for a specific record and must be made to the Director of Human Resources or, in the Director's absence, by a member of the Human Resource staff at the direction of the President or a member of the President's staff. Southwest is not required to create records or to compile information. If the record is unavailable for some reason such as being used for official business, or filed at a remote site, then the person requesting the records shall be apprised of the situation as well as when to return to inspect the record. All efforts will be made to provide the requested record(s) within a reasonable period of time.

4. Disclosure of Personnel Records

- a. No official, representative or employee of the institution shall disclose any record from the permanent personnel file or an employee, other than directory and public information except pursuant to a written request or with the prior written consent of the employee to whom the record pertains, to any person, agency or organization other than the following:
 - 1. officers and employees of the institution and the Tennessee Board of Regents who have a need for the record in the performance of their duties;
 - 2. persons who require access as a part of the routine use of the record;
 - 3. accrediting organizations in order to carry out their accrediting functions, provided that the access of such organizations shall be limited to non-confidential records;
 - 4. federal and state officials or authorities authorized by law or regulation to have access to the records;
 - 5. any person representing the institution in relation to any claim or action by any person or agency who has a need for the record in connection with such representation;
 - 6. any person or agency pursuant to the order of a court of competent jurisdiction; and
 - 7. the Comptroller of the Treasury of his/her authorized representative.

Nothing contained in this section shall preclude the disclosure of appropriate information from records contained in a permanent personnel file through the preparation and dissemination of any document published by the institution, including but not limited to budgets and work programs, catalogs, annual reports, newspapers, brochures, and other publications generated in the normal course of business of the institution, or pursuant to any open meeting or hearing where the information is relevant to the purpose of the meeting.

- c. Permanent personnel records of all employees, including former employees (faculty and staff), are subject to inspection under Tennessee's Open Records Law. Persons requesting to inspect personnel records must complete a Request Form to Inspect/Copy Public Records. (Attachment I), and must show identification of Tennessee citizenship (e.g., driver's license, voter's registration card, etc.). When a request is made to inspect the personnel record of a currently active employee, the concerned employee will be notified that such a request was made and who made the request.

5. Copying of Personnel Records

- a. The price per copy of Personnel Records is \$1.00 per page for standard letter and legal size pages. The price per copy for larger documents is \$5.00 per page, or the actual cost to have the same reproduced at a commercial copy business plus a fifty (50) per-cent additional charge to cover administrative cost. The copy fee must be paid to the Business Office in all cases before release of the copies.
- b. Notwithstanding the above, employees desiring copies of their own personnel file shall not be charged more than the duplicating cost per copy when the copies are made in the Office of Human Resources. The Office of Human Resources may, however, at its sole discretion, provide copies at no charge depending upon the number of copies to be made.
- c. For purposes of this section, Personnel Records are defined to mean only those employees (faculty, staff, graduate assistants, etc.) records maintained in the Office of Human Resources. This does not include records, (i.e., peer reviews, tenure and promotion recommendations, departmental files on employees, etc.) which may be maintained in other offices.

6. Public Records

Any personnel record or information which is a public record or which is included within any other document which is a public record shall not be subject to section 4(a) of this policy, and shall be open for public inspection.

7. Retention of Records

Personnel records are retained for a minimum of seven (7) years from the date of termination of employment with the institution.

8. Other Provisions

Notwithstanding the form of the record, production (copying) of records shall be made in a form as best determined by the Office of Human Resources. No records shall be produced (copies) in a form to further a commercial, business, or similar purpose, (i.e., mailing labels, envelopes, telephone numbers list, etc.).

This procedure shall not apply to College departments requesting to inspect and/or receive copies of records for College business. Notwithstanding, however, the Office of Human Resources may require the requesting department to certify as to the purpose of its request.

Attachment I

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

Request form to Inspect/Copy Public Records

NAME: _____

Tennessee Driver's License Number: _____
(Other Acceptable Identification): _____

Company or Business Represented (if applicable): _____

Date of Request: _____

Time of Request: _____

Description of records requested to be inspected: _____

Description of records to be copied: _____

Number of Records Copied: _____ X \$1.00 = _____

Cost per copy for larger records is \$5.00 per page or actual cost of copying plus a 50% charge for administrative costs.

SIGNATURE OF REQUESTOR

DATE