**REVISED MEMORANDUM**

TO: Deans, Academic Program Directors, and Academic Department Heads

FROM: Warwick Arden
 Provost and Executive Vice Chancellor

DATE: May 17, 2011

RE: Faculty Personnel Files

The North Carolina Personnel Records Privacy Act provides all employees access to their personnel records and protects the privacy of such records. The purpose of this memorandum is to:

* facilitate authorized access to faculty files by defining the contents of a faculty personnel file for which the department head is responsible;
* address confidentiality of faculty personnel files and give guidance to departments and colleges regarding security and retention requirements for these files; and
* address the procedure to be followed by a faculty member who wishes to review his or her personnel file.

**Contents of a Personnel File**

 A personnel file is defined by law as any employment-related or personal information gathered by an employer.

Employment-related information contained in a personnel file includes information related to an individual’s application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination of employment.

Personal information includes an individual’s home address, social security number, medical history, personal financial data, marital status, dependents and beneficiaries.

Personnel files include documents regardless of physical form, or characteristics and, therefore, include electronic records. Information can be a part of a “personnel file” even if it is not included in the supervisor’s physical or electronic folder labeled “personnel file.” It is the nature of the information, not the form or location, that matters.

Personnel files may exist in the faculty member’s department/unit, college and other university administrative units (e.g., Human Resources). The department head is responsible for ensuring that the following employment-related documents, if they exist, wherever stored, are maintained for each faculty member:

* Materials relating to the faculty member’s application and appointment (e.g., letters of reference[[1]](#footnote-1), curriculum vita, verification of degree, forms, other correspondence);
* Offer and acceptance letters
* Statements of Mutual Expectations
* Plans for Professional Development
* Annual Faculty Activity Reports
* Annual performance evaluations
* Notifications of salary adjustments
* RPT dossier and final results (original to be transferred to HR and copy to be maintained by the Department)
* Post tenure review materials, including assessments and numerical results of the vote
* Reports on Scholarly Reassignments (formerly Off Campus Scholarly Assignments)
* Teaching Evaluations by students
* Teaching Evaluations by peers
* Tenure Clock Extensions
* Requests for Leave (not including requests for sick or annual leave stored in the University’s Leave System).

**Employee Information Open for Inspection**

Personnel Files are by law confidential, except for the following information regarding any state employee (including faculty members), which is available to the public upon request:

1. Name
2. Age
3. Date of original employment or appointment to State service
4. The terms of any contract by which the faculty member is employed whether written or oral, past and current, to the extent that the University has the written contract or a record of the oral contract in its possession
5. Current position
6. Title
7. Current salary (“salary” for purposes of personnel file information available to the public includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the University )
8. Date and amount of each increase or decrease in salary with the University
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position, classification with the University
10. Date and general description of the reasons for each promotion with the University
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the University. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Chancellor setting forth the specific acts or omissions that are the basis of the dismissal
12. The office or other location to which the faculty member is currently assigned.

In addition to a faculty member and a faculty member’s properly authorized agent, North Carolina law also provides that personnel files are subject to access by members of the General Assembly, a party with a proper court order, and officials of an agency of the federal or state government as part of their official responsibilities. Departments who receive requests for personnel files should consult with the Vice Chancellor and General Counsel or designee before responding to such requests.

**SECURITY OF CONFIDENTIAL PERSONNEL FILES**

To maintain the confidentiality of personnel files, department heads and deans are responsible for securing personnel files so that only authorized access is permitted. Persons authorized to access the contents of personnel files include anyone within a faculty member's chain-of-command (i.e. Head, Dean, Provost, Chancellor) as well as employees within the department or college office who have administrative responsibilities that would require access to the file (e.g., the college RPT liaison, Dean’s Administrative Assistant).

In addition, department heads should provide selected materials to faculty members serving in roles that carry out the regular functions of the department. Such roles would include participating as a member of the DVF or college committee for reappointment, promotion and tenure review, a post- tenure review committee, a peer review of teaching committee, a search committee, or an annual review committee constituted by department rules or standard practice within the department. Faculty serving in these roles should be provided access to the documents from the personnel file which are required by department rule or standard practice in order to complete the function.

The department head and/or dean may decide to maintain confidential personnel files in one or more than one location. If personnel files are maintained in various locations, a directory of the required items maintained in faculty personnel files must be kept to facilitate accessing the files easily and quickly. Medical information must be filed in a separate file from other personnel files.

 Hard copies of personnel files must be stored in secure and locked storage in a secure location with proper access restrictions. If the department head and/or dean elects to store personnel files on a network drive in a relevant electronic folder, such files must be maintained in the relevant folder with appropriate network security, proper access restrictions, and regular data backup. Electronic files that are made available to authorized University Committees for purposes of peer review of performance or to the faculty member must be in a format that prohibits modification of the personnel information. The department head and /or dean (or designee) is responsible for determining appropriate categories and security levels for electronic folders containing personnel files and ensuring that only authorized individuals have access to the files.

**RETENTION AND DISPOSITION OF PERSONNEL RECORDS**

The University’s Records Retention and Disposition Schedule govern the retention and disposition of personnel records.

A faculty member’s departmental personnel file must be maintained in the academic department/college in which the faculty member appointment resides for the duration of the faculty member’s employment. At the time of the faculty member’s separation or termination from service, the faculty member’s personnel file becomes inactive and the department head and/or dean is responsible for transferring the file to Human Resources for retention and disposition in accordance with the University’s Records Retention and Disposition Schedule. If the faculty member transfers to another academic department or college of the University, the department head and/or dean, as applicable, is responsible for transferring the personnel file to the new academic department/unit and/or college.

**ACCESS TO PERSONNEL FILE CONTENTS BY FACULTY MEMBER**

Except for letters of reference solicited prior to initial employment which by law are not available to the faculty member, a faculty member seeking to review his or her personnel file may inspect and examine any of the documents listed above, by making a request of the department head in the faculty member’s home department. The faculty member may also submit a request for review of his/her entire personnel file, in which event it is the responsibility of the department head to work with the faculty member to identify the types of items that are requested and to work with the division, college and Human Resources to ensure that all requested information, unless exempt from disclosure by state law, are provided within a reasonable timeframe.

If a faculty member requests access to his/her personnel file that is maintained in hard copy, the department head (or designee) must be present during the faculty member’s review of the file. A faculty member may be provided with one copy of his/her personnel file at no charge; however, subsequent requests for copies may be subject to a reasonable copying charge.

Note: Because state law does not exempt from disclosure to the faculty member letters of recommendation or evaluations of faculty that are solicited subsequent to their employment (e.g., scholarly external reviews for reappointment, promotion and tenure decisions), departments, colleges and other university units may not promise confidentiality to referees or evaluators with regard to these documents.

A faculty member has the right to seek removal of information in his/her personnel file that the faculty member believes to be inaccurate or misleading. If the information is not removed, the employee may file a grievance in accordance with the provisions of the faculty grievance procedure.

**Related Information:**

NC State Academic Departments: <http://www.provost.ncsu.edu/admin-resources/dept-heads.php>

Office of General Counsel Personnel Records Information (including links to relevant NC General Statutes): <http://www.ncsu.edu/general_counsel/legal_topics/personnel_records-privacy.php>

Human Resources Personnel File Information: <http://www.ncsu.edu/human_resources/hrim/yourpfile.php>

1. Letters of reference solicited prior to initial employment and certain medical information are **exempt from disclosure to the faculty member**. [↑](#footnote-ref-1)