

Policy Title:	Faculty Records
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Governing Body:	Southern Oregon University	Policy Number:	AAD.054 (573-010)
Policy Contact:	Provost	Date Revised:	August 2016
Custodial Office:	Academic Affairs	Date Approved:	August 2016
Approved By:	President	Next Review:	August 2019
Related Policy:			

Revision History

Revision Number:	Change:	Date:
-	Initial version	July 1976
1	Revision	August 2016

A. Purpose

**Division 10, 573-010-0005 Purpose**

The Oregon Legislature and the former State Board of Higher Education recognized by law the importance of maintaining the faculty member's right to privacy in an educational environment. Southern Oregon University (SOU) is bound by law to carry out such policy. This policy is promulgated in accordance with ORS 352.226. The ORS shall control in the event of any conflict with this policy.

B. Definitions

**Division 10, 573-010-0015 Definitions**

- "Personal Records" means records containing information kept by the institution, division or program concerning a faculty member and furnished by him/her or by others about him/her at his/her or at the institution's, division's or program's request, including, but not limited to, information as to discipline, counseling, membership activity, other behavioral records, professional preparation and experience, professional performance (e.g. assignment and workload, quality of teaching, research, and service to the institution), personnel data relating to such matters as promotions, tenure, leaves, retirement credits and the like, and professional activities external to the institution, including, but not necessarily limited to, awards, recognition, research activities and travel.
- "Records of Academic Achievement" are reports of credits earned toward a degree or in post-doctoral work and/or certificate(s), diploma(s), license(s) and degree(s) received and dates thereof.

3. "Directory Information" is that information generally needed in locating a named faculty member, including information readily found in published documents.

#### C. Policy Statement

##### **A. Division 10, 573-010-0010 Limitation on Records to Be Maintained**

Acting through its various divisions and programs, SOU may maintain only such records as are demonstrably and substantially relevant to the educational, administrative and research purposes of this institution.

##### **B. Division 10, 573-010-0020 Certain Information Not Required to Be Given by Faculty Members**

No faculty member shall be required to give - although the faculty member may voluntarily provide - information as to race, religion, sex, national origin, marital status, political affiliation or preferences, except as required by state statute, federal law or valid federal rules, regulations or orders. In those instances in which the faculty member is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of the right to decline to respond. Except as the faculty member makes the foregoing information available, or except as required by state or federal law, rule or regulation, there shall be no designation in faculty personnel record files as to the faculty member's race, religion, sex, marital status, national origin, political affiliation, or preferences.

##### **C. Division 10, 573-010-0025 Locations and Custody of Faculty Records**

1. The number of files relating to the evaluation of a faculty member shall be limited to three. One file of personal records relating to evaluation of the faculty member shall be kept by each of the following: President, Vice President for Academic and Student Affairs and the appropriate academic division or program in which the faculty member is employed. Faculty records pertaining to matters other than evaluation shall not be limited to the three files designated above.
2. All records containing personal information about faculty members shall be kept in secured files.
3. The head of each academic or administrative unit maintaining faculty records shall be responsible for maintaining the confidentiality and security of all faculty records within that unit in accordance with SOU policies.

##### **D. Division 10, 573-010-0030 Release and Access to Faculty Records**

1. Appropriate information about the faculty member may be released upon request and without the faculty member's consent. Such information shall be limited to the following:
  - (a) Directory information: the faculty member's full name, campus address and telephone number, home address, birthday (as distinguished from birthdate) and such other information as is readily found in published documents such as institutional directories and catalogs;
  - (b) Objective evidence of a faculty member's academic achievement, limited to information as to the number of credits earned toward a degree or in post-doctoral work, and certificate(s), diploma(s), license(s) and degree(s) received and dates thereof;
  - (c) Salary information and the record of terms or conditions of employment.

2. All other information contained in faculty records is considered confidential and may not be released to any person or agency without the faculty member's written consent. Exceptions to this policy are limited to the following:

(a) Records of a faculty member are available to university personnel who have a demonstrably legitimate need to review them in order to fulfill their official, professional responsibility with regard to the faculty member;

(b) Upon receipt of a subpoena or other court order or process seeking access to faculty records, the recipient unit head must take reasonable efforts to notify the faculty member (including sending a registered or certified letter to the address of record) and must notify the President or his/her designated representative prior to any institutional responses. The latter will determine whether or not appropriate university personnel should appear in court to test the validity of the subpoena or court order or process;

(c) The university President or his/her designated representative may release personal information contained in faculty records only when he/she determines that there is a clear and present danger to the safety of the faculty member or others and/or property and that disclosure of relevant personal information about the faculty member is essential in order to avoid or substantially minimize the danger. (The basis for such determination shall be provided to the faculty member in writing.) No such disclosure shall violate any evidentiary or testimonial privilege accorded by law.

#### **E. Division 10, 573-010-0035 Open Faculty Record Files**

No regulation, rule or order promulgated pursuant to this section shall deny to a faculty member full access to the member's personnel file or personal records kept by the university or departments, except as follows:

1. Letters and other information submitted in confidence to the university or departments prior to July 1, 1975, shall be maintained in the files designated. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available, except that portions of the text which would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by section 4 of ORS 352.226 (Personnel records; standards; exemptions).

2. Confidential letters and other information submitted to or solicited after July 1, 1975, by the university or its divisions prior to the employment of a prospective employee are exempt from the provisions of this section. However, if a prospective employee is employed by the university or its divisions, the confidential pre-employment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential pre-employment letters and other pre-employment information shall be protected. The full text shall be made available, except that portions of the text which would serve to identify the contributor shall be excised and retained in a file other than the three designated in section 4 of ORS 352.226 (Personnel records; standards; exemptions).

#### **F. Division 10, 573-010-0040 Post-Employment Evaluative Materials**

After July 1, 1975, the university or its divisions, when evaluating its employed faculty members, shall not solicit nor accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

#### **G. Division 10, 573-010-0045 Access to and Correction of Records**

1. The personal file shall be only open to the faculty member and to those officials of the institution who have a demonstrable need of such access in fulfilling their official professional duties.
2. All evaluative materials or other records originated or utilized by the president, division directors or program chairs, or by personnel review committees at the program, division or university level in reviewing a faculty member, shall be available upon a single request to the Vice President for Academic and Student Affairs and to the subject faculty member at a reasonable place and time. A faculty member may make copies of materials in the files.
3. Each faculty member shall be given a copy of his/her periodic regular written evaluation made by the evaluating administrator. The evaluation given to the faculty member shall contain or have attached to it a statement informing the faculty member that he or she may discuss the evaluative statement with the evaluating administrator. A copy of the evaluative statement, duly signed by the faculty member signifying that he or she has been given a copy thereof, shall be placed in the faculty member's personal record file.
4. A faculty member shall be entitled to submit, for placement in the three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material which the member believes might be of assistance in the evaluation process.

#### **H. Division 10, 573-010-0050 Telephone Evaluations**

Any evaluation received by telephone shall be documented in each of the faculty member's files by means of a written summary of the conversation with the names of the conversants identified.

#### **I. Division 10, 573-010-0055 Classroom Evaluations**

Classroom survey evaluations by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in the program or division files. All survey instruments used to obtain evaluation data shall be returned to the faculty members.

#### **J. Division 10, 573-010-0060 Information on Categories of Staff**

A faculty member who feels he/she has been adversely affected by personnel action or lack thereof may request from the Vice President for Academic and Student Affairs objective or quantitative information contained in the files which are limited as to access concerning the personnel actions affecting categories of faculty members. The request shall be granted where such actions appear to have relevance to the case of the faculty member making the request for information. Evaluative statements concerning individual faculty members shall not be released except with the consent of the faculty members concerned. The request for information shall be in writing containing a summary of the adverse decision, statement of need for the information and the specific information requested.

#### **K. Division 10, 573-010-0065 Availability of Faculty Records for Research Purposes**

Information about academic staff members for research purposes may be provided, contingent upon the existence of adequate provisions to conceal from the person(s) doing the research the identity of the individual academic staff members whose personal data or information are being included in the research. If the confidentiality of faculty personal records would be jeopardized in any way by the release of

information for research purposes, the written consent of the academic staff member must be obtained prior to the release of information. All such requests for information must be submitted to the Vice President for Academic and Student Affairs.

**L. Division 10, 573-010-0070 Permanence, Duplication and Disposal of Faculty Records**

1. The individual faculty member's record shall be maintained only for the minimum period of time required to serve the basic official functions of the office which generates and maintains it. It should then be disposed of in a manner such as to protect its confidentiality.
2. The permanent retention of faculty records shall be limited to those which the institutional executive or the State Archivist shall determine to be of long-range value to the individual faculty member, to the institution or to the public. (ORS 352.226 provides that access to personal records more than 25 years old may not be limited.)
3. Duplication of permanent faculty records shall be kept to a minimum. (A log shall be kept in each file of every duplication of faculty records.) Such duplicated permanent records as are made shall be destroyed in the same manner as temporary records, as provided for in section 4 below.
4. All duplicate copies of permanent faculty records and all temporary faculty records shall be maintained for a minimum period of three (3) years after a faculty member departs from the university. Such records shall thereafter be destroyed as soon as they are no longer needed and may not be retained in any event for more than seven (7) years after a faculty member's appointment is terminated by the university.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

**D. Policy Consultation**

Revisions to the text of the policy were posted for campus comment on August 24, 2016.

**E. Other Information**

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.