

MIDDLE TENNESSEE STATE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

POLICY NO.: IV:07:17

DATE: August 20, 2003

SUPERSEDES POLICY NO.: IV:07:17

DATED: February 1, 1987

SUBJECT: PERSONNEL RECORDS

APPROVED: Sidney A. McPhee, President _____

The following policy of the Board of Regents on personnel records shall apply to all employees of Middle Tennessee State University.

Under the provisions of T.C.A. Sec. 10-7-503, personnel records are considered public records and may be inspected, extracted, or copied by any citizen of Tennessee during normal business hours, in accordance with reasonable rules of the office having custody of such records.

However, T.C.A. Sec. 10-7-504(f) treats as confidential the following information: unpublished telephone numbers; bank account information; social security number; driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of her/her job; and the same information of immediate family members or household members. This information must be redacted wherever possible, but access to otherwise public information shall not be limited or denied because a record contains confidential information.

1. Custody of Records

The Executive Vice President/Provost shall be the official custodian of the permanent personnel records for faculty. The Human Resource Director shall be the official custodian of permanent personnel records for administrative, clerical and support employees. The official custodian of permanent personnel records shall be responsible for maintaining the permanent personnel files, and for ensuring the confidentiality of the records in accordance with this policy. The authority of the official custodian may be delegated to such assistants as are provided by the University.

2. Access to Records

- (a) The University shall permit an employee, or any person authorized by the employee in writing, upon request, to have access to his or her permanent personnel file, excluding confidential materials, and to review and have copies made of all or any portion thereof at a reasonable cost. No records may be removed from the offices of the official custodian except by the custodian or his or her authorized designee.
- (b) Any employee may submit a written request to the official custodian of the employee's permanent file to amend any record therein pertaining to that employee which he or she believes is inaccurate or misleading.

Within a reasonable time after receipt of such a request, the University shall either amend the record or advise the employee of its refusal to amend the record, the reason for the refusal, and the appeal process from the refusal. In the event of a final decision refusing to amend the records, the employee shall have the opportunity to file a concise statement containing his or her position as to the inaccurate or misleading statement in the record, which statement shall be made a part of the permanent personnel file, and which statement shall be provided to any person, organization, or agency which receives the contested record.

3. Disclosure of Personnel Records

- (a) No employee of the University shall disclose any record from the permanent personnel file of an employee, 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 University and the Board who have a need for the record in the performance of their duties;
 - (2) persons who require access as 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 University in relation to any claim or action by any person or agency who has 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 or his authorized representatives.
- (b) 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 University, 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 University, or pursuant to any open meeting or hearing where the information is relevant to the purpose of the meeting.

4. 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 3(a) of this policy, and shall be open for public inspection by the custodian of the public record. In the event of any

conflict between this policy and the provisions of TCA S S 15-304 - 15-307, the latter will prevail.

5. Retention of Records

Nothing in this policy shall require the maintenance of any record for any period of time in excess of any retention period established by the University, the Board, or state or federal law.