

# Standard Practice Guide Policies

## Personnel Records - Collection, Retention and Release

201.46

**Applies to:** Personnel Records for all University Faculty and Staff

### I. POLICY

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

The Human Resource Records and Information Services Office, the Shared Services Center, the Michigan Medicine Human Resources Office, the regional campus human resources offices, and anyone responsible for the 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 or records relating to the terms and conditions of employment of individual faculty and staff members (Bullard-Plawecki Right to Know Act). Such job-related documents and records include but are not limited to:

1. a. Employment applications, resumes and other, hiring related records (Note: records related to the recruitment and selection process are retained separately. Reference SPG 201.22)
2. supplemental appointment forms
3. curriculum vitae
4. personnel action requests
5. performance evaluations (final version)
6. reference checks (see 2.a. below)
7. letters of commendation
8. position description
9. position evaluations – including reclassification and equity reviews
10. disciplinary documentation

2. A personnel record does not include:

- a. Reference letters or checks supplied to an employer if the identity of the person making the reference would be disclosed
- b. Materials relating to the employer's faculty and staff planning with respect to more than one employee
- c. Any medical reports and/or records
- 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 about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy
- 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, e.g. disciplinary documentation. 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.
- h. Court requested documentation including subpoenas

B. Other Personnel Information: In addition to the documents stored in the central document imaging system and departmental files, the University Human Resources Offices maintain data in the enterprise Human Resource Management System, central computer databases and third party administered databases, including but not limited to:

- 1. Appointment and address information for individual faculty and staff members
- 2. Department submitted Information about the employment selection process
- 3. Employment background check records
- 4. Grievance files
- 5. Job applicant data
- 6. Temporary hourly appointment data
- 7. Unemployment compensation claims files

C. Maintenance of Personnel Information

- 1. The electronically imaged University Personnel documents are maintained by the Human Resource Records and Information Services Office, the Shared Services Center, the Michigan Medicine Human Resources Office, and the regional campus human resources offices
- 2. The Faculty and Staff appointment and address records within the Human Resource Management System are maintained by the Human Resource Records and Information Services Office, the Shared Services Center, the Michigan Medicine Human Resources Office, and the regional campus human resources offices
- 3. Final step grievance files are maintained by the Academic Human Resources and Staff HR Services Offices, the Michigan Medicine Human Resources Office, and the regional campus human resources offices
- 4. Staff job applicant data within the Human Resource Management System is maintained by the

Staff HR Services Office, the Shared Services Center, the Michigan Medicine Human Resources Office, and the regional campus human resources offices

5. Faculty job applicant data is maintained within the schools and colleges and regional campus human resources offices
6. Faculty job applicant data is maintained within the schools and colleges and regional campus human resources offices

D. Availability of Records: Centrally imaged Personnel documents and Human Resource Management System records will be available as follows:

1. Members of University management and supporting positions may review documents and records when there is a need in connection with their University functions. Access to the electronic document storage system and the Human Resource Management System is managed through a central security role request system.
2. Staff members may review their University's Personnel documents by request to the appropriate central HR office. Faculty may review their University's Personnel documents by request to the Human Resource Records and Information Services Office in the presence of a supervisor in that Office. Documents or portions of the documents which were secured in confidence (reference checks) or which contain confidential facts about other employees 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 or faculty member upon request.

E. Retention of Personnel File Data

1. Central University Files

- a. The electronically imaged University's Personnel File and Human Resource Management System records will be retained for the entire length of service of each employee and for seven years following termination. Thereafter the personnel records in the Human Resource Management System may be removed and the electronically imaged documents may 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 within the reporting database.
- c. Job applicant files will be retained for a minimum of three years following the year of the filling of the position.

2. Operating Unit Files

- a. Departmental copies of forms and/or data listed in Section II.E. above should be kept for a period of two years plus the current fiscal year.
- b. Departmental information relating to individual employees 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 the Human Resource Records and Information Services Office, Shared Service Center, the Michigan Medicine Human Resources Office and/or regional campus human resources offices.

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 Human Resource Records and Information Services Office maintains personnel files for a period of seven years following termination. The current Human Resource Management System includes information from June 2001. Data from the prior appointments computer database included information from 1978 and has been archived to a reporting database. Neither the Human Resource Records and Information 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, departments and units may wish to hold personnel files until they are no longer of value to them and then destroy the files.

III. PROCEDURE:

| <b>Responsibility</b> | <b>Action</b>   |
|-----------------------|---|
| A.                    | For a faculty or staff member to review centrally maintained documents and records: |

Faculty/Staff Member

1. Staff contact the appropriate central Human Resources office (Staff Human Resource Services Office, Michigan Medicine Human Resources, or regional campus human resources office) and Faculty contact the Human Resource Records and Information Services Office to request to review the documents in their personnel folder.

Central HR Representative/Supervisor in Records

2. Review documents in the imaging file system and make note to not include any information secured in confidence, for example, medical related information and/or any information of a confidential nature relating to other employees.
3. Print documents from the central imaging system or copy the documents to a secure file to which only the Faculty/Staff Member has access.

Faculty/Staff Member

4. Receive the printed documents and pay the fee if necessary or review the documents in the secured personal file.

B. To submit rebuttal:

Faculty/Staff Member

1. Present hand-written or electronic document (not to exceed 5 sheets of 8 1/2 x 11-inch paper) through the Human Resources Representative or a Supervisor of the Human Resource Records and Information Services Office, to be included in the University centrally imaged personnel file.

Central HR Representative

2. Forward the rebuttal to the Shared Services Center or the Michigan Medicine Human Resources Office for inclusion in the individual's centrally imaged personnel file folder.

C. Management and Administrator's Access to electronically imaged Personnel documents (when full access to the imaging system is not required/authorized)

Authorized Requestor

1. Contact either the appropriate central office Human Resources Representative, or the manager of the Human Resource Records and Information Services.

D. Management and Administrators Access to the Imaging system files or records on the Human Resources Management System

|   |   |
|---|---|
| Authorized Requestor  | <ol style="list-style-type: none"> <li>1. Submit a request through the central security role request system.</li> <li>2. Security role approvals are reviewed and denied/granted based on business need.</li> </ol> |
| Central ITS and Human Resources Records and Information Services Office | <ol style="list-style-type: none"> <li>A. Routinely monitor security roles and remove access when applicable.</li> <li>E. Freedom of Information Act (FOIA) request for access to file folders</li> </ol>           |
| Individual  | <ol style="list-style-type: none"> <li>1. Forward request to the FOIA Office.</li> </ol>  |
| FOIA Officer<br>Manager of Records Office                               | <ol style="list-style-type: none"> <li>2. Contact the Records Manager to obtain the requested information.</li> <li>3. Answer request within five (5) business days.</li> </ol>                                     |

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