

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**S12-2, Policy Recommendation, Faculty Personnel Records:
Confidentiality; Access**

Rescinds and Replaces S73-19

Legislative History:

At its meeting of March 12, 2012, the Academic Senate approved the following policy recommendation presented by Senator Ng for the Professional Standards Committee. On March 21, 2012, President Mohammad Qayoumi approved and signed University Policy S12-2.

At its meeting of November 18, 2019, the Academic Senate approved the following policy amendment presented by Senator Peter for the Professional Standards Committee. Amendment A to University Policy S12-2 amends University Policy S12-2 to rescind rather than amend University Policy S73-19. On May 4, 2020, President Mary A. Papazian approved and signed Amendment A to University Policy S12-2. Amendment A is included below.

**Policy Recommendation
Faculty Personnel Records: Confidentiality; Access**

Replaces: Rescinds and replaces S73-19

Resolved: That the attached amendments to the policy be implemented.

Approved: March 6, 2012

Vote: 7-0-0

Present: Karin Brown, Marc d'Alarcao, Paul Kauppila, Joan Merdinger
Wendy Ng (chair), Noni Reis, Tamar Semerjian

Absent: Katherine Minks

FINANCIAL IMPACT:

This policy does not have any financial impact.

WORKLOAD: This policy does not have any workload implications.

HISTORY:

The proposed policy amendments were generated in response to a preliminary finding from an Academic Personnel Audit that was conducted at San José State University by auditors from the CSU Office of the Chancellor. In reviewing S73-19, other inconsistencies were found. The additional amendments to the policy are needed to align the policy with the CFA/CSU Collective Bargaining Agreement and Academic Senate policy S98-8.

In addition, the original policy S73-19 uses the masculine pronoun for all references to faculty. To make the policy more inclusive, the multiple uses of “his” and “he” throughout the document have been changed to “his/her” and “s/he.”

FACULTY PERSONNEL RECORDS: Confidentiality and Access

Rescinds and Replaces S73-19

a. An official personnel file for each faculty member is maintained in the Office of Faculty Affairs. The Associate Vice President of Faculty Affairs is the official custodian for the academic personnel record retention schedule for such personnel files. The file is a permanent record of the faculty member's association with the University and serves as the basis of official reports and judgments. The file is not open to the public, but it is open to qualified persons as provided herein or as authorized by the President. Neither the file nor any part thereof may be removed from the Office of Faculty Affairs except with the express authorization of the President or upon lawful court order. Applications recommendations, transcripts, reports and correspondence relating to the faculty member's appointment, assignment retention, merit salary adjustment, promotion and leaves are kept in the personnel file.

b. The following provisions of this policy apply to personnel files maintained in any University office.

c. Except as provided in Section d below, each faculty member's personnel file shall be open to his/her inspection or, if s/he so requests in writing, to the inspection of any other designated faculty member on his/her behalf. After inspection and upon written request, a faculty member shall be given one copy of any item in the file so requested, except for the items specified in Section d below. All persons permitted access to the file are obliged to respect the confidential character of personnel matters. It shall be deemed a serious breach of professional conduct for any person, including the faculty member himself to allow copies of personnel items to fall into the hands of any person not duly authorized to inspect a faculty member's file.

d. The following items in a faculty member's personnel file shall not be open to his/her inspection: Official personnel folders and or/confidential letters of recommendation received from sources outside the University in connection with the initial appointment of a faculty member.

e. Anonymous letters, statements or reports shall not become part of a faculty member's record, and shall be destroyed upon receipt.

f. Should a faculty member wish to explain, reply to or rebut any report or document in his/her personnel file, s/he may prepare and submit a written statement for that purpose, and it shall be filed and retained with the report, document or other paper to which it is directed.