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ARTICLE 8. PERSONNEL FILES

The purpose of this Article is to specify the means of implementation of ORS 351.065.

Section 1. Definitions:

- (a) Personnel File: One of three confidential files relating to the evaluation of bargaining unit faculty members' performance, as further described in Section 2, below.
- (b) Personnel Records: Confidential records maintained by the University containing personally-identifiable information regarding bargaining unit faculty members. Personnel Records include, but are not limited to, records regarding personnel matters such as promotion, tenure, leave, and discipline. Personnel Records do not include Directory Information, Records of Academic Achievement, and Salary Information, because such information is neither confidential nor otherwise subject to restrictions on access or disclosure.
- (c) Directory Information: Information regarding bargaining unit faculty members' University work schedules and contact information, including but not limited to office addresses, office telephone numbers, University email accounts, and other information published in the University's print and online catalogs, schedules, and directories.
- (d) Salary Information: Information regarding bargaining unit faculty members' rate of pay and terms and conditions of employment.
- (e) Records of Academic Achievement: Information regarding (i) the number of credits earned toward a degree or in post-doctoral work, (ii) certificates, (iii) diplomas, (iv) licenses, and (v) degrees.

~~Section 1. 2.~~ Except as set forth in this Article and unless otherwise restricted by federal or state law, a bargaining unit faculty member shall have full access to the member's Personnel Files and Personnel Records kept by the university upon reasonable request during normal business hours. Personnel Files and Personnel Records shall also be available to University employees and affiliates who have a legitimate need to access the information in order to fulfill their professional responsibilities to the University. The number of Personnel Files relating to the evaluation of a bargaining unit faculty member's performance shall be limited to three, to be kept in designated, available locations: (1) in an academic or research unit; (2) in a college or school; and (3) in Academic Affairs or Human Resources. A bargaining unit faculty member shall have the right to inspect and request a copy of each of these ~~files~~ Personnel Files upon reasonable request at no cost to the bargaining unit faculty member, and may be accompanied by a representative of his or her own choice at the location of the Personnel File.

~~Section 2. 3.~~ Personnel Files and Personnel Records are subject to restrictions on ~~access~~ disclosure and require a bargaining unit faculty member's prior written consent for disclosure, except (1) upon receipt of a valid subpoena or other court order or process or as permitted or required by valid state or federal laws, rules, regulations, or orders; or (2) upon a finding by the President or designee that the public interest in maintaining individual rights to privacy in

46 an adequate educational environment would not suffer by disclosure of such records. Access
47 to such records may be limited to designated classes of information or persons, or stated times
48 and conditions, or to both, but cannot be limited for records more than 25 years old.

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50 Upon receipt of a subpoena or other court order or process seeking access to faculty personnel
51 records, the recipient, if legally permissible, must take reasonable efforts to notify the subject
52 faculty member and must notify the President or the President's designated representative prior
53 to any institutional response. The President or the President's designated representative will
54 determine whether appropriate University personnel should appear in court to test the validity of
55 the subpoena or court order or process.

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57 **Section 3. 4.** When evaluating bargaining unit faculty members, the University may not
58 solicit or accept letters, documents or other materials, given orally or in written form, from
59 individuals or groups who wish their identity kept anonymous or the information they provide
60 kept confidential, except to the extent that the bargaining unit faculty member consents in
61 writing. Any evaluation received by telephone shall be documented in the bargaining unit
62 faculty member's file by means of a written summary of the conversation with the names of
63 the parties to the conversation identified. Notwithstanding the foregoing, the University may
64 solicit or accept student evaluations or surveys of the classroom or laboratory performance of
65 a faculty member, and, if so, such evaluations or surveys shall be conducted anonymously.
66 The records of reports tabulated from student evaluations or surveys shall be placed in at least
67 one of the faculty member's evaluation files identified in Section 1, above. All evaluation or
68 survey instruments from which evaluation data are obtained shall be delivered to the faculty
69 member. Non-anonymized evaluative material may only be accepted from students, with the
70 student's written consent, provided the students are first clearly informed that the faculty
71 member will have access to such material and that the anonymity of the student cannot be
72 preserved.

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74 **Section 4. 5.** A bargaining unit faculty member is entitled to submit, for placement in the
75 three evaluative files, evidence rebutting, correcting, amplifying, or explaining any
76 document contained therein and other material that the member believes might be of
77 assistance in the evaluation process.

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79 **Section 5. 6.** If a bargaining unit faculty member should become aware that his or her personnel
80 file contains errors of fact or omission, the bargaining unit faculty member may petition, in
81 writing, the Provost or designee to remove or correct the information.

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