

R902-1. Purpose: To define the term "personnel file;" and establish procedures for the inspection, copying, and challenges to the contents of such files.

R902-2. References

- 2.1. Utah Code [§53B-1-106](#) (Appointment of Commissioner's Staff)
- 2.2. Utah Code [Title 63, Chapter 2](#) (Government Records Access and Management Act)
- 2.3. Policy and Procedures [R141](#), Duties of the Commissioner of Higher Education
- 2.4. Policy and Procedures [R993](#), Records Access and Management

R902-3. Definitions

- 3.1. **"Personnel File":** The current official file or files maintained by a Personnel Officer relating to an employee of the Commissioner's Office, which contains documents and data recorded in the usual course of official Commissioner's Office business relating specifically to the individual's employment qualifications, working assignments, promotions, compensation, job performance, personnel evaluations, and disciplinary proceedings. The "personnel file" shall include but is not limited to the records of completed retention, promotion, compensation, review proceedings and any letters or memoranda of evaluation, commendation or criticism relating to an employee which were not solicited or written under a request or promise of confidentiality.
- 3.2. **"Personnel Officer":** An individual with responsibility to maintain official personnel records for the Commissioner's Office.

R902-4. Policy

- 4.1. **Disclosure:** The Office of the Commissioner recognizes the right of each employee to examine, obtain a copy of, and to challenge the accuracy of factual data in documents contained in that employee's personnel file, except for information and materials therein that are classified as "controlled" or "protected" under the Government Records Access and Management Act, Utah Code [Title 63, Chapter 2](#) or the disclosure of which is forbidden pursuant to state or federal law.
 - 4.1.1. Secret files or systems containing information about personnel included within the scope of this policy shall not be maintained by any officer of the Commissioner's Office or operating unit. Upon request by a Commissioner's Office employee, or by an authorized officer of the Commissioner's Office pursuant to such a request from an employee, it shall be the duty of all Commissioner's Office personnel with knowledge of the facts to disclose the existence and maintenance of all files or systems containing personnel information relating to that employee, whether or not such information is subject to inspection or copying by the employee.
 - 4.1.2. This policy applies only to "personnel files" as defined herein, and does not affect any right conferred by law upon an individual to inspect, copy, or challenge the contents of other

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records and files of the Commissioner's Office that relate to that individual. See the Government Records Access and Management Act, Utah Code [Title 63, Chapter 2](#), and implementing regulations ([R993](#)).

4.1.3. No person has a right under this policy to inspect, copy, or challenge the contents of the personnel file relating to any other individual, except to the extent that such person may be authorized to do so pursuant to the Government Records Access and Management Act, Utah Code [Title 63, Chapter 2](#), and implementing regulations ([R993](#)).

4.2. **File Maintenance:** The personnel files of employees shall be maintained by the Personnel Officer under the supervision of the Associate Commissioner supervising that employee.

4.3. **Inspection and Copying:** Upon request to the Personnel Officer, an employee of the Commissioner's Office shall be afforded a reasonable opportunity to inspect and/or obtain a copy of his or her primary or secondary personnel file, or such part thereof as is described in the request, subject to the following limitations:

4.3.1. Letters or memoranda of recommendation, evaluation, or criticism which were solicited or submitted under a request or promise of confidentiality shall be temporarily removed from the individual's personnel file before it is inspected by the individual to which such letters or memoranda refer.

4.3.2. Information in an employee's personnel file which relates to persons other than the subject employee shall be temporarily removed from the file, before it is inspected by the employee, if the information (1) is classified as "private," "controlled" or "protected" information within the meaning of the Government Records Access and Management Act, Utah Code [Title 63, Chapter 2](#), and implementing regulations ([R993](#)); (2) consists of personally identifiable information relating to the salary or compensation of a person other than the employee who is the subject of the personnel file; or (3) is prohibited from disclosure by or pursuant to applicable state or federal law.

4.4. **Request to Inspect:** A request to inspect may be oral or written and shall describe generally the records or data in the personnel file which the individual wishes to examine. The person seeking inspection shall, upon request, produce appropriate documents or other evidence of identity.

4.4.1. The Personnel Officer shall take appropriate steps to comply with the request with reasonable promptness.

4.4.2. The inspection shall take place in the presence of the Personnel Officer or a designee. No changes or alterations may be made to any documents in the file, and no documents may be removed from the file.

4.4.3. A notation recording the request and the inspection shall be inserted in the file by the Personnel Officer immediately after the inspection has been concluded.

4.5. **Copies of File Documents:** A request for copies of the personnel file, or any part thereof, may be oral or written and shall describe the records or data in the personnel file which the individual requests to have copied. The written request or a notation of the oral request shall be placed in the personnel file.

4.5.1. As deemed necessary, the cost of copying shall be calculated by the Personnel Officer pursuant to a schedule of charges established by policy.

4.5.2. Upon receiving evidence of payment of the cost of copying, the Personnel Officer shall arrange to prepare copies in accordance with the request and make them available to the requesting individual with reasonable promptness.

4.6. **Challenge to Contents:** An employee of the Commissioner's Office may at any time challenge any factual statement or entry of factual data in his or her personnel file upon the ground that it is inaccurate, misleading, inappropriate, or otherwise in violation of individual rights.

4.6.1. Any such challenge shall be submitted in writing to the Personnel Officer, who shall promptly review the facts and supporting data and seek to resolve the challenge by informal means. Upon recommendation from the Personnel Officer, the cognizant Associate Commissioner may authorize the Personnel Officer to make necessary changes in, deletions from, or additions to the personnel file to assure that the file includes only factually accurate, truthful, and relevant information. The employee shall be advised in writing of all such modifications approved by the cognizant Associate Commissioner.

4.6.2. An employee who believes that the challenge has not been disposed of in a satisfactory manner may request a formal consideration of the challenge by an ad hoc advisory committee of three disinterested persons appointed for the purpose by the cognizant Associate Commissioner. After such investigation and consideration of the matter as the committee deems to be appropriate in light of the circumstances, including a reasonable opportunity for the employee to argue the merits of the challenge orally and to present supporting evidence, the committee shall submit its report, including any recommendations it deems proper, to the cognizant Associate Commissioner.

4.6.3. The cognizant Associate Commissioner, after reviewing the committee's report, shall make a final written determination of the challenge. The original challenge and the Associate Commissioner's written determination thereof, whether before or after review by an ad hoc committee, shall be included in and maintained as part of the employee's personnel file.