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6-912 Access to or Disclosure of Personnel Records or Information

Neither the Board of Regents nor the universities under the jurisdiction of the Board shall disclose or permit access to personnel records or information except as authorized by this policy or as required by law.

A. Employee Access

On request, an employee or a person authorized by the employee in writing may review and obtain copies of documents from the employee's own personnel file, subject to reasonable and specific procedures established and administered by each university.

B. Administrative Access

1. All personnel, employment or related records shall be available only to authorized users for authorized purposes. The president of the institution or the president's designee has final authority to determine what administrative uses and purposes are authorized pursuant to this policy. Any unauthorized access, release or use of personnel information shall constitute employee misconduct.
2. As determined by the president of the institution, authorized officers, employees or agents of the Board or of any institution under the jurisdiction of the Board may have access to and may disclose personnel records or information as necessary in the prosecution, defense or resolution of any hearing or dispute regarding personnel matters. This paragraph is a supplement to, and shall not be construed as a limitation of, paragraph B.1 above.

C. Access or Disclosure to Third Parties

Access to or disclosure of personnel records or information from those records shall not be provided to individuals or agencies other than those designated by the universities under this policy, except as follows:

1. The following information regarding present or former employees may be disclosed:

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- (a) Name
 - (b) Titles or positions (including academic degrees and honors received);
 - (c) Campus telephone number and e-mail address.
 - (d) Fact of past or present employment
 - (e) Dates of employment; and
 - (f) Salaries or rates of pay.
2. Access to personnel records or disclosure of personnel information may be provided after legitimate expectations of privacy are considered. Personnel records may be disclosed when necessary to protect the interests of the institution when the institution believes the actions of the individual violate the conditions of employment or otherwise threaten injury to the institution or to others, to a properly identified law enforcement authority when the institution reasonably believes that an applicant, employee or former employee may have engaged in illegal activities, or pursuant to a federal, state or local government statute or regulation that specifically requires disclosure of certain information to certain parties.
3. Access to certain personnel records or disclosure of personnel information may be provided in response to a lawfully issued administrative summons, search warrant, or judicial order or subpoena, provided that:
- (a) legal counsel has reviewed the matter and approved disclosure; and
 - (b) if the request is not issued on behalf of the affected employee(s), a reasonable effort has been made to notify the affected employee(s) of the request prior to compliance.
 - (c) the institution receiving a summons or subpoena may seek a protective order to prevent disclosure of certain documents,

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such as promotion and tenure files, letters solicited from outside reviewers who were given a promise of confidentiality, and performance evaluations, on the basis that a qualified privilege exists to protect those documents in the employee evaluation system for making determinations of employee retention and the granting of tenured or continuing status.

4. Public Records Law

- (a) The university's custodian of records, in consultation with university legal counsel, shall review and respond to requests for disclosure of personnel records in accordance with state law.
- (b) To the extent required by A.R.S. §39-128, records maintained by the Board or a university that are reasonably necessary to maintain an accurate knowledge of employee disciplinary actions will be open to inspection and copying, unless inspection or disclosure of the records or information in the records is contrary to law.
- (c) If a university receives a request under public records law for employee records it will make reasonable efforts to provide notice to affected employees and ascertain what, if any, privacy interests exist..

D. For purposes of this policy,

- 1. "Disciplinary Action" means: involuntary demotion, involuntary dismissal, suspension without pay, and resignation in lieu of dismissal; and for classified staff under progressive discipline, written reprimands.
- 2. "Records maintained by the Board or a university that are reasonably necessary to maintain an accurate knowledge of employee disciplinary actions" mean the final written disciplinary action and the employee's response, if any, to that action.

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- E. This policy does not require disclosure of any individual's home address, home telephone number or photograph, or any information that may subject an individual to the risk of identity theft.