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## 4.225 Personnel Records and Record Retention

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|---|--|--|--------------------|
| Type of Policy<br><input checked="" type="checkbox"/> <b>University</b><br><input type="checkbox"/> <i>Campus</i><br><input type="checkbox"/> <i>Department/Unit</i><br><input type="checkbox"/> <b>Interim</b> |  | <b>Personnel Records and Retention Policy</b><br><br><b>Policy 4.225</b> |                    |
| <b>Human Resource Policies</b>  |  | Effective date: <b>February 9, 2012</b>                                  |                    |
| <b>Policy History:</b>  | <b>Approved by:</b>                    | <b>Resolution #</b>  | <b>Date:</b>       |
| Approved  | Chancellor                             | N/A  | February 9, 2012   |
| Revised   |  |  |                    |
| <b>Responsible Office:</b>  | <b>Responsible Administrator:</b>      | <b>Contact information:</b>  | <b>Applies to:</b> |
| Office of Human Resources   | Director of University Human Resources | 937-769-1375   | All Employees      |

## I. Introduction and Purpose

Antioch University (“AU” or the “university”) recognizes the expectations of employees that information about them stored in university personnel files is accurate, relevant, and safe from improper disclosure. Federal and state laws require that certain information be gathered and maintained in personnel files. Additionally, sound personnel decisions require that the university collect and retain information concerning employment history and performance. This policy has been established to provide guidelines on the management and retention procedures surrounding the university employment files.

## II. Definitions

The following descriptions of certain terms used in this policy are intended to provide guidance in understanding the policy, but are not comprehensive or definitive. These terms are subject to legislative revision and judicial interpretation.

- A. **Education records** - any records kept in reference to the employee as an AU student, (other than directory information, e.g., name and address) that are protected under the Family Educational Rights and Privacy Act (“FERPA”).
- B. **Medical records** - any documents pertaining to the medical history, diagnosis, prognosis, or medical condition of an employee that is generated and maintained in the process of medical treatment.
- C. **Background check records** – any records pertaining to an employment background check including authorization forms, background results, etc.
- D. **Employment Eligibility Form I-9 records** – applies to forms, documents, and other material related to United States Immigration Law compliance for establishing or maintaining employees’ authorization to work in the United States.
- E. **Investigatory records** - applies primarily to the records of an administrative investigation.
- F. **Intellectual property records** - most research-related information, other than financial or administrative data, that has not previously been publicly released, published, or patented.

### **III. Personnel File Maintenance**

Each employee should have only one official personnel file which shall contain all necessary job-related and personal information, maintained by the Director of the Office of Human Resources (“HR”) or designee. When an employee transfers from one university location to another, the local personnel file should be forwarded to HR at the new location. The current location may retain a copy of the personnel file if desired. In certain instances where the current location is required to retain original documents, a copy of the personnel file should be forwarded to the new location.

### **IV. Personnel File Contents**

- A. Only job-related information will be contained in the personnel file. Contents of each personnel file should include basic identifying information (e.g., name, address, and job title), employment applications, resumes, and other hiring-related documents, position descriptions, compensation records, information on benefit enrollment, attendance records, performance evaluations and information about other employment-related actions (e.g., promotions, training, or corrective action), as well as any other job-related information. Information placed in the personnel file should be shared with the employee. Anonymous materials will not be included in the personnel file unless there has been a finding of fact through an existing university investigatory process which corroborates the allegations of the anonymous material. An employee may include a written rebuttal to any materials included in the personnel file in accordance with section VII – C below.

B. The following documents should be maintained in separate files from the personnel file of record: AU education records protected by FERPA, Employment Eligibility Form I-9 records, medical records, background check records, investigatory records, intellectual property records, and privileged attorney-client (communications between employees of AU and any attorney representing the university).

C. Electronic records contained in the university Human Resources Information System (Colleague-Datatel) are not part of the personnel file.

## **V. Records Retention**

When employment terminates, the employment file shall be retained at the local campus according to the requirements of applicable state and federal law. Personnel files should be retained for 7 years from the date of termination. Records of sick leave balances and workers' compensation records should be maintained for at least 10 years from the date of termination or as required by state law.

## **VI. Notification**

The university has the right to verify information (e.g., employment status and job title) without notifying the individual involved, and to cooperate with law enforcement investigators, public safety, or medical officials when required by subpoena or court order as necessary to meet other legal obligations of the university.

## **VII. General Guidelines**

### **A. Requesting Copy of Personnel File**

In accordance with and to the extent permitted by the federal and state law, current and former university employees may request to inspect and obtain a copy of their personnel file and should do so in writing to HR. The university will respond to such requests within a reasonable period of time. The employee or former employee may be required to pay the reasonable cost of copying the file.

### **B. Access to Personnel Files**

Access to personnel files is limited to HR, and on a limited basis may be disclosed to supervisory personnel who are considering the employee for promotion, transfer, accommodations, or other administrators and managers who have a need to know. No information, except verification of employment shall be released to outside persons or organizations without the employee's written authorization unless disclosure is required by subpoena or court order or is necessary to meet other legal obligations of the university.

### **C. Disputing Information**

Employees who question the accuracy or completeness of information in their files should discuss their concerns with HR and/or the appropriate manager. HR and the

manager will consider the objections and remove erroneous information. Should the disputed information be retained in the file, the employee may submit a brief written statement identifying the alleged errors or inaccuracies. The statement will remain in the file as long as the disputed information is retained.

**D. Removal of Records from Personnel Files**

No records placed in any personnel file or Human Resources Information System will be later removed from the file or destroyed without the express authorization of HR in writing.

**Policy Cross References**

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| Immigration Compliance Policy                  | Policy # 4.101 |
| Hiring, Search Committee Policy                | Policy # 4.103 |
| Post Offer Pre-employment Medical Examinations | Policy # 4.105 |
| Reasonable Accommodation                       | Policy # 4.107 |
| Background Check Policy                        | Policy # 4.109 |
| Student Employment                             | Policy # 4.209 |
| Termination of Employment                      | Policy # 4.223 |
| Performance Management                         | Policy # 4.307 |