

Davis Technical College Personnel Records Policy

Effective Date: 28 September 2023

1. Purpose

To define the Davis Technical College (College) policy and procedure on “personnel files” and establish procedures for the inspection, copying, and challenges to the contents of such files.

2. References

- 2.1. Utah Code Title 63, Chapter 2, Government Records Access and Management Act (GRAMA)
- 2.2. Davis Technical College Employment Grievances Policy

3. Definitions

3.1. Personnel File - The current official file or files maintained by the Human Resource Office relating to an employee of the College, which contains documents and data recorded in the usual course of official College business relating specifically to the individual’s employment qualifications, working assignments, promotions, compensation, benefits, job performance, personnel evaluations, disciplinary proceedings, review proceedings, letters or memoranda, commendation or criticism relating to an employee which were not solicited or written under a request or promise of confidentiality, and any other document or data that is relevant to the employment of an employee of the College.

4. Policy

4.1. Disclosure - The College recognizes the right of each employee to examine, obtain a copy of, and to challenge the accuracy of data in documents contained in the employee’s personnel file, except for information and materials 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. Rights - 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 and Utah Code Title 63, Chapter 2.

4.2. File Maintenance - The Human Resource Office, shall maintain the personnel files of employees.

4.3. Inspection and Copying - Upon written request to the Human Resource Office, an employee of the College shall be given a reasonable opportunity to inspect and/or obtain a copy, at their own expense, of their personnel file, or any part as 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 by the employee, 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; (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.

4.3.3. The request shall describe the records or data in the personnel file that the individual wishes to examine. The person seeking inspection, upon request, shall produce appropriate documents or other evidence of identity at the time of the inspection or receipt of copies. The inspection shall take place in the presence of the Human Resource Office 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.

4.3.4. The cost of copying shall be calculated using the current rate of the Copy Center of the College, and in accordance with the Government Records Access and Management Act. Proof of payment of copies shall be received prior to receipt of requested copies.

4.4. Challenge to Contents - An employee of the College may at any time challenge any statement or entry of data in their personnel file upon the grounds that it is inaccurate, misleading, inappropriate, or otherwise in violation of individual rights.

4.4.1. Any such challenge shall be submitted in writing to the Human Resource Director, who shall promptly review the facts and supporting data and seek to resolve the challenge by informal means. Upon recommendation from the Human Resource Director, the cognizant Vice President may authorize the Human Resource Director to make necessary changes in, deletions from or additions to the personnel file. The employee shall be advised in writing of any such modification approved by the cognizant Vice President, or designee. A copy of the changes made shall be included in the written document to the employee.

4.4.2. An employee who believes that the challenge has not been disposed of in a satisfactory manner may follow the procedures under the Employment Grievance Policy of the College.

5. Approval and Notes

Board Approval: 28 September 2023

President's Council Approval: 10 July 2023

CDMT Approval: 17 June 2023

Board Approval: 28 August 2003

President's Council Approval: 12 August 2003

CDMT Approval: 05 August 2003