

**POLICY ON PERSONNEL RECORDS, FACULTY
PERFORMANCE PERSONNEL FILES, OTHER EMPLOYEE
RECORDS, AND FILE MANAGEMENT**

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Kansas Wesleyan University Policy on Personnel Files, Faculty Performance Personnel Files and Other Employee Records and File Management

I. Policy.

Employers are required by various federal and state laws to keep and maintain certain records regarding its employees. Because employee records can be created and, potentially, maintained by various departments and individuals throughout the KWU organization, this policy seeks to establish uniform protocols for the creation and maintenance of employee records, including personnel files and faculty members' performance personnel files.

II. Classification of Employee Personnel Records.

A. **Personnel File.** A Personnel File, as referenced in the Employee Handbook shall be created and maintained by the Office of Human Resources for each employee of KWU, including faculty, as set forth herein. Such Personnel File may be maintained electronically, in whole or in part.

1. **Faculty Member's Performance Personnel File.** Separate from a faculty employee's general Personnel File, each faculty member shall have a Performance Personnel File, as referenced in the Faculty Handbook, which will be created and maintained in the office of the Provost. The Performance Personnel File will contain, at a minimum, those items referenced in the Faculty Handbook, including academic and professional accomplishments submitted by the faculty member, ratings and evaluations of performance, complaints about faculty members and written responses, as applicable. A faculty member may add materials to his/her Performance Personnel File.

a. **Limited Access to Faculty Performance Personnel File.** Except as provided in the Faculty Handbook, this Policy, and/or as required by law, statute, and/or administrative regulations, a faculty member's Performance Personnel File is available only to the President, Provost, appropriate professional staff, the faculty member involved, and the respective Division Chair. In addition, the faculty member may, for the cost of the duplication, obtain copies of materials in his/her performance personnel file. Any such copies will be made by a member of the Provost's staff. Notice of two working days in ordinary situations should be given the Provost by a faculty member who wishes a copy of materials from his/her performance personnel file.

Performance personnel files will be kept in strictest confidence in the office of the Provost and will be available for confidential use only in the office during regular business hours and only to the individuals indicated above. However, for a valid reason, the faculty member may authorize in writing access to his/her performance personnel file by a person not indicated above.

2. **Faculty Member's Peer Review File.** Separate from a faculty employee's general Personnel File, each full-time faculty member shall have a Peer Review File, as referenced in the Faculty Handbook, which will be created and maintained in the office of the Provost. The Peer Review File will contain, at a minimum, those items referenced in the Faculty Handbook, including Peer Review documentation (reports, letters);

student evaluations; sabbatical documentation; record or rank promotion and tenure status; professional recognition or achievement documents.

Further, the peer evaluation committee/Faculty Evaluation Committee will be given access to the student evaluations of the faculty member's teaching and advising (from the faculty member's performance personnel file.) The university may permit access to and copying from such performance personnel files pursuant to lawful requests of federal or state agencies and/or courts relevant to investigations, hearings, or other proceedings pending before such agencies and/or courts.

a. Faculty Evidence Folder. Separate from a faculty employee's general Personnel File, each full-time faculty member creates their own digital evidence folder. Documents included are outlined in Appendix A of the Faculty Handbook. Access is limited to the faculty employee/owner of the folder, the Provost, the Division Chair and Peer Review Committee members.

B. Employee Records to Be Maintained in Personnel File. Pursuant to the record retention and destruction policies of KWU, the following documents and records should normally be maintained in an employee's Personnel File of which the [Office of Human Resources] shall be the custodian. Such documents in an employee's Personnel File shall typically relate to the employee's job qualifications, performance, and/or employment status. These include documents created in the hiring process; during the employment relationship; and when the employment relationship ends.

1. Hiring and Initial Employment (and Reemployment) Documents. The following types of documents generally should be maintained by employers in an employee's personnel file:

- a. Employee contact and emergency contact information.
- b. Employment application; Resume; and Letters of reference, if any.
- c. Offer letters, Letters of Appointment or Reappointment; Employment Agreement or Contracts, if any.
- d. Salary or other compensation information, such as wage rate.
- e. Benefit information, including beneficiary designation forms, election for flexible spending accounts and Salary Redirection Agreements.
- f. Signed acknowledgment of receipt of Handbooks and/or the employee's confirmation of at-will employment status.
- g. Job descriptions (which may be updated from time to time), and information concerning the employee's classification as exempt or non-exempt or under the FLSA.
- h. Other signed agreements with the employee, including any Intellectual Property ownership, Confidentiality, Restrictive Covenants, Non-Compete, or Non-Solicitation Agreements.

2. Documents Created During the Employment Relationship. The following types of documents that are created during the course of the employment relationship generally should be included in an employee's personnel file:

- a. Reviews and Performance evaluations and appraisals conducted at various times in the employment relationship and any record of employee discipline.

- b. Reviews for faculty members, their Strength and Weakness assessments prepared during Peer Review, Plans of Improvement; Rejoinders; and self-assessments.
- c. For faculty, records related to the Peer Review Process, including the reports prepared by the Faculty Peer Review members, Provost, Academic Dean and/or Divisional Council, letters of intent requesting tenure, tenure notification letters, and a copy of other records relating to such employee's tenure or tenure decisions.
- d. For faculty, requests for sabbatical and related records including approval/disapproval, agreements as to sabbatical and report of satisfaction of agreement for sabbatical granted.
- e. Documentation of employee discipline, including initial warnings; final warnings; disciplinary actions; and employee counseling and Plans of Improvement. **Administrators should be aware that any documents they author concerning counseling or discipline of employees, including faculty, should be provided to the [Office of Human Resources] such that copies of documentation will be included in the employee's Personnel File.**
- f. Documents reflecting changes in an employee's personal contact information; salary or other compensation, including bonus payments and raises; reporting structure; title, including promotions and demotions; FLSA exemption status; and job description, including changes to the essential job functions.
- g. Records of completed education, training or certifications.
- h. New agreements and amendments to existing agreements entered into with the employee, including restrictive covenants; arbitration or alternative dispute resolution agreements; employee loans; and tuition reimbursement agreements.
- i. Periodic acknowledgements of new or amended employee policies or procedures.

3. **Documents Created in Connection with Termination of Employment.** The following types of documents created in connection with an employee's termination of employment, whether voluntary or involuntary, generally are placed in an employee's personnel file, such as:

- a. Letter of resignation, if a voluntary departure.
- b. Documents related to termination, if an involuntary termination or layoff.
- c. Documentation of reasons for termination or layoff.
- d. Exit interview notes or exit questionnaire.
- e. Severance or separation and release agreements, if any.
- f. Documents protecting the employer's trade secrets and confidential information, written confirmation that the employee has returned all KWU property, and written acknowledgment of an employee's continuing post-employment obligations to maintain confidentiality or abide by restrictive covenants.
- g. Continuing obligations letters to the employee or the employee's new employer and/or cease and desist letters to the employee or the employee's new employer.
- h. COBRA benefit continuation notices, if applicable.

C. **Employee Records to Be Maintained Separately.** Pursuant to KWU record retention and destruction policies, the following documents generally should be maintained separate from an employee's Personnel file:

- 1. **Hiring Records Maintained Separately.** The following types of hiring documents should normally be stored separately from individual personnel files:

- a. IRS Forms W-4 and K-4.
 - b. Documents identifying an individual's protected class status, such as age, race, gender, national origin, or disability, such as EEO-1 Forms.
 - c. Background and credit check reports, including any notification and consent required under the Fair Credit Reporting Act (FCRA) or applicable state law.
 - d. Benefits and records required by COBRA.
 - e. Documents that contain employees' social security numbers.
2. **Employee Time and Payroll Records File.** Separate from an employee's general Personnel File, each employee shall have a Time and Payroll Records File, which will be created and maintained in the Business Office. Some documents are also integral to the employment relationship and may be considered part of an employee's personnel records, but are generally tracked and maintained separately, including:
- a. Detailed time and attendance records, and records of time worked and wages paid.
 - b. Documents tracking benefits and leave usage and accrual, such as vacation time, paid sick time, and/or other employee leave.
 - c. IRS forms (W-4, K-4).
 - d. Benefits summary for payroll deductions.
3. **Employment Disputes File.** The following documents created during the employment relationship should normally be segregated from an employee's personnel file and maintained in the Office of Human Resources with a higher level of confidentiality and more limited access:
- a. Grievance claims made by faculty and related documents including the records of the Grievance Committee.
 - b. Investigation files, including internal investigations of sexual harassment complaints discrimination complaints and whistleblower or other complaints.
 - c. Title IX reports and investigatory documents related to any employee of KWU, including faculty.
4. **Injury and Medical File.** This file includes any requests for accommodation under the Americans with Disabilities Act, Kansas Act Against Discrimination, or other law, and related documents, including documents from the interactive process and the essential functions of the job. Medical information, including documents required by the FMLA, the ADA, and the OSH Act that must be segregated under Health Insurance Portability and Accountability Act (HIPAA). This information is typically gathered in connection with:
- a. Requests and certification for leave under the FMLA.
 - b. Certifications of an employee's fitness for return to work after leave
 - c. Records of workplace injuries under OSHA.
 - d. Workers Compensation reports, claims and records
 - e. Requests for leaves of absence.
 - f. Insurance records and claims, including claims for workers' compensation benefits.
 - g. Drug-testing results and data.
 - h. Any other documents likely to reveal genetic information protected by GINA
 - i. Documents related to any legal claim or lawsuit by the employee.

- j. Employee medical records, including reports from medical examinations required as a condition of employment
- 5. **Immigration File.** Documents relating to an employee's immigration status, visa status, and employment verification documents should be maintained separate from the employee's Personnel file, including:
 - a. Form I-9 and supporting documentation.
 - b. E-Verify records.
 - c. Visa documentation.
- 6. **Supervisor's File.** Information for all direct-reports maintained in the supervisor's office. Documents include copies of employment offer letters or contracts, signed original job descriptions, current resume or CV, copies of performance reviews, documentation of any work-related awards or recognition, and any disciplinary or PIP documentation. The file access is limited to the supervisor.
- 7. **Supervisor's Desk File.** A working file maintained and stored in the supervisor's office. Documents include all assigned tasks, annual goals, and observations about the employee's job performance, for each direct report.
- 8. **President's File.** Documents for each employee, including copies of employment offer letter or contract, resume or CV, PIPs or other disciplinary file. Access is limited to the President or appropriate designated staff.

III. **Requirements for Maintenance of Personnel Files and other Employee Records.**

KWU generally should endeavor to keep personnel records in locked files or password-protected electronic equivalents in a way that limits access to human resources professionals, to the extent feasible, or others with a need to know; and segregated from the company's general business records.

- IV. **Access to Personnel Records.** A current employee may be granted reasonable access to review his or her own employment records and **Personnel File** upon making an advance request to do so, and for the cost of the duplication, may obtain copies of materials in his/her **Personnel File**. Any such copies will be made by a member of the Human Resources staff. Notice of five working days in ordinary situations should be given Human Resource by an employee who wishes a copy of materials from his/her **Personnel File**.

Approved by President's Council: 10-7-19

Approved by IDC: 10-7-19

HR PERSONNEL FILES SUMMARY RECORD

A Personnel File (#1 below), as referenced in the Employee Handbook, shall be created and maintained in the Human Resources office for each employee of KWU, including faculty, as set forth herein. Such Personnel Files **may be maintained electronically**, in whole or in part. Personnel records (defined as final documents, not drafts) will be kept in locked files or password-protected electronic equivalents. A current employee may be granted reasonable access to review his or her own Personnel File upon making an advance request to do so, and for the cost of the duplication, may obtain copies of materials in his/her Personnel File. Supervisors maintain secondary personnel files related to job performance.

FILE	FILE NAME	SOURCE AUTHORIZATION	LOCATION	EMPLOYEES INCLUDED	ACCESS	NOTES
1	Employee Personnel File	HR Policies, Employee Handbook	Office of the HR Director	Each employee	Limited access: President, Provost, appropriate professional staff	Hiring and initial employment (and re-employment) documents; identifying documents related to protected class status (such as EEO-1 forms); background and credit check reports; documents with SS#; documents created during employment relationship (including reviews and evaluations, any record of discipline); benefits records; documents related to termination of employment
2	Time and Payroll Records File	HR Policies, Employee Handbook	Business Office	Each employee	Limited access: President, Provost, appropriate professional staff	Detailed time and attendance records, wages paid, leave usage and accrual records; IRS forms (W4, K4); benefits summary
3	Employment Disputes File	HR Policies, Employee Handbook	Office of the HR Director	Each employee	Limited access: President, Provost, appropriate professional staff	Grievance claims; investigation files, including some Title IX documents
4	Injury and Medical File	HR Policies, Employee Handbook	Office of the HR Director	Each employee	Limited access: President, Provost, appropriate professional staff	FMLA; return to work certifications; OSHA, Workers Comp records; LOAs; insurance records; drug testing records; any documents related to ADA or GINA; lawsuit records; medical records
5	Immigration File	HR Policies, Employee Handbook	Office of the HR Director	Each employee	Limited access: President, Provost, appropriate professional staff	I-9 and supporting documents; E-Verify records, Visa documentation

6	Faculty Performance Personnel File	HR Policies, Faculty Handbook	Office of the Provost	Each faculty member	Limited access: President, Provost, appropriate professional staff Available for confidential use only in the office and during regular business hours A faculty member may add materials to his/her Performance Personnel File	Contains, at a minimum, those items referenced in the Faculty Handbook, including academic and professional accomplishments submitted by the faculty member, ratings and evaluations of performance, complaints about faculty members and written responses, as applicable. The faculty member may, for the cost of the duplication, request copies of materials in his/her performance personnel file.
7	Faculty Peer Review File (“Personnel File” in Faculty Handbook)	HR Policies, Faculty Handbook	Office of the Provost	Each faculty member	President, Provost, appropriate professional staff, the faculty member involved, and the respective Division Chair The peer evaluation committee/Faculty Evaluation Committee will be given access to the student evaluations of the faculty member’s teaching and advising (from the faculty member’s performance personnel file.)	Peer review documentation (reports, letters); student evaluations; sabbatical documentation; record or rank promotion and tenure status; professional recognition or achievement documents
7a	<i>Faculty evidence folder</i>	Faculty Handbook	Digital files poste online (Google Drive, Dropbox, OneDrive, etc.)	Each faculty member	Created by faculty member; Provost, Division Chair, Peer Review Committee members	See appendix A of Faculty Handbook on evidence files content and format
8	Supervisor File	HR Policies	Supervisor’s Office	Supervisor’s Direct Reports	Supervisor	Copies of employment offer letters or contracts; signed original job descriptions; current resume or CV; copies of performance reviews; documentation for awards and recognition; any disciplinary or PIP documentation
9	Supervisor Desk File	HR Policies	Supervisor’s Office	Supervisor’s Direct Reports	Supervisor	Annual goals, assigned tasks; observations about employee’s job performance
10	President’s Files	HR Policies	President’s Office	All Employees	Limited Access: President or appropriate designated staff	Copies of employment offer letter or contract; resume or CV; PIPs or other disciplinary files

ADA: The Americans with Disabilities Act
EEO: Equal Employment Opportunity
GINA: Genetic Information Nondiscrimination Act

LOA: Leave of Absence
OSHA: The Occupational Safety and Health Administration
PIP: Personal Improvement Plan

EMPLOYEE PERSONNEL RECORDS MANAGEMENT

