

# Utah Tech University Policy

## 152: Records Access and Management



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### I. Purpose

- 1.1 To outline the retention, management, and disclosure of Utah Tech University (hereinafter referred to as “University”) records.

### II. Scope

- 2.1 Policy 152 applies to all records received, created, or maintained by the University.

### III. Definitions

- 3.1 **Controlled Records:** As defined in GRAMA, those records that contain personal medical, psychiatric, or psychological data, the release of which would be detrimental to the subject’s mental health or safety or constitute a violation of normal professional practice and medical ethics.
- 3.2 **Employee Disciplinary List:** A list of all current University employees and a general description of their prior and/or current disciplinary actions taken pursuant to Policy 372, Policy 371, and Policy 373 and reclassified as Public Records pursuant to GRAMA.
- 3.3 **Employee Disciplinary Record:** Those records produced in the disciplinary process pursuant to Policy 372, Policy 371, and Policy 373 including, but not limited to, complaints about the employee; First and Second Level Corrective Discussion notes; written notices of correction; Written Warnings; evidence gathered during investigations including interviews and prior disciplinary history; reports submitted during and following an investigation; relevant Personnel File documents; Statements of Just Cause and other documents produced for disciplinary hearings or other review procedures; reports produced by disciplinary hearing boards,

neutral arbitrators, and final decision makers including findings letters; resignation letters; and Notices of Termination.

- 3.4 **Family Educational Rights and Privacy Act (FERPA):** A federal law that protects the privacy of student education records.
- 3.5 **Government Records Access and Management Act (GRAMA):** A Utah state law concerning public access to and protection of records produced by state governmental entities.
- 3.6 **Health Insurance Portability and Accountability Act:** A federal law that, among other functions, serves to protect the confidentiality and security of protected health information.
- 3.7 **Personnel File:** The University's saved documentation of the history and status of the employment relationship with an individual employee, gathered in the course of official University business. Records may include, but are not limited to, job application, resume, educational transcripts, job description, benefits enrollment/changes, new hire employee paperwork, statements of salary, job offer and/or job change information, performance appraisals, letters of recognition, disciplinary notices, and payroll action forms.
- 3.8 **Private Record:** As defined in GRAMA, those records that contain information about individuals including, but not limited to, medical data, library books accessed, and employee data such as home address, home phone number, and social security number.
- 3.9 **Protected Records:** As defined in GRAMA, those records that contain information that is restricted in the public interest including, but not limited to, private business interests, government business and economic interests, government negotiation and legal interests, government operations, and safety and security interests.
- 3.10 **Public Records:** As defined in GRAMA, those records that must always be disclosed pursuant to a properly submitted GRAMA request. All state records are considered public unless they are expressly classified as private, controlled, or protected in the GRAMA statute. Public Records include, but are not limited to, laws; basic employee information like name, job title, employment dates, compensation, and qualifications; minutes of open meetings; certain real property records; contractor compensation; and statistical summary data.
- 3.11 **Record:** A book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material

regardless of physical form or characteristics that is prepared, owned, received, or retained by the University and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means. A record is not a personal note or communication prepared or received by a Utah governmental employee in a capacity other than his or her government capacity or that is unrelated to the conduct of the public's business.

- 3.12 **Records Officer:** The University General Counsel or his or her designee. The Records Officer provides for the care, maintenance, scheduling, disposal, classification, designation, access, provision, and preservation of University records in accordance with federal and state law.

#### **IV. Policy**

##### 4.1 GRAMA Public Records Requests

- 4.1.1 In compliance with GRAMA, the University will provide all Public Records that are not otherwise protected from disclosure and are requested pursuant to a properly submitted GRAMA request.

##### 4.2 Disclosures not made pursuant to a GRAMA request

- 4.2.1 In compliance with GRAMA, University employees will not share or release non-Public Records, or communicate non-public information obtained as a result of their position with the University with person(s) not authorized to have the aforementioned records or information.

- 4.2.1.1 Employee disclosure of non-Public Records may be grounds for corrective or disciplinary action.

##### 4.3 Record Maintenance

- 4.3.1 In compliance with GRAMA, the University will retain, maintain, and destroy records in accordance with a schedule approved by the State Records Committee or, for those records without a specific approved retention schedule, with the model retention schedule maintained by the state archivist (See Addendum 7.2).

#### **V. References**

- 5.1 Utah Code, Title 63G, Chapter 2 - Government Records Access and Management Act (GRAMA)
- 5.2 20 U.S.C. § 1232g; 34 CFR Part 99 – Family Educational Rights and Privacy

Act (FERPA)

5.3 University Policy 551: Confidentiality of Records

5.4 University Policy 372: Corrective and Disciplinary Action

5.5 University Policy 371: Faculty Termination

5.6 University Policy 373: Termination and Reduction of Workforce

## **VI. Procedures**

6.1 GRAMA Requests

6.1.1 Public Records requests must be submitted to the University Records Officer and must include the requestor's name, mailing address, and telephone number; and a description of the record requested that identifies the record with reasonable specificity.

6.1.1.1 Requests may be made using the University GRAMA Request Form (See Addendum 7.1).

6.1.1.2 Requests not complying with GRAMA requirements may be denied.

6.1.2 The University Records Officer will classify requested records pursuant to GRAMA and determine whether records may be provided to the requestor.

6.1.2.1 Records may be classified as public, private, controlled, or protected.

6.1.2.2 Public Records that are not otherwise protected from disclosure will be provided to the requestor.

6.1.2.3 Private, Controlled, or Protected Records will not be provided unless one or more of the exceptions outlined in GRAMA applies. Private, Controlled, or Protected information within an otherwise Public Record will be appropriately redacted before release.

6.1.2.4 All records provided will comply with other state and federal privacy laws including, but not limited to, FERPA and HIPAA.

6.1.3 In compliance with GRAMA, reasonable fees may be assessed for the direct and indirect costs including, but not limited to, duplicating, compiling, summarizing, redacting, and mailing a

record.

- 6.1.4 Denied record requests may be appealed in accordance with GRAMA within 30 days of denial by written notice of appeal to the University President.

## 6.2 Employee Disciplinary Records

- 6.2.1 In accordance with GRAMA, the Records Officer shall reclassify all Employee Disciplinary Records for which charges have been substantiated as public upon the completion of all administrative appeal procedures or after all time for appeal has elapsed.

- 6.2.1.1 In the event that a single disciplinary process includes both substantiated and unsubstantiated charges, those records relevant *only* to the unsubstantiated charges will not be reclassified as public. Any records that are reasonably related to the substantiated charges will be reclassified as public.

- 6.2.1.2 Employees will retain the right to review or receive his or her own Personnel Files including Employee Disciplinary Records at any time pursuant to a properly submitted GRAMA request.

- 6.2.2 Upon reclassification as public, Employee Disciplinary Records or an updated Employee Disciplinary List will be available for review or release pursuant to a properly submitted GRAMA request.

- 6.2.2.1 In general, the University will not publicly release such records via a press release, website posting, or the like. The University may, however, publicly refer to information that was previously classified as private, controlled, or protected upon reclassification as public.

- 6.2.3 At the discretion of the General Counsel and pursuant to GRAMA, records relevant to anticipated or ongoing litigation may not be reclassified as public.

## 6.3 Record Maintenance

- 6.3.1 An individual may contest the accuracy or completeness of a document pertaining to him or her in accordance with GRAMA by written request to the Records Officer.

## VII. Addenda

### 7.1 GRAMA page of OGC website

## 7.2 Utah General Retention Schedules:

<https://archives.utah.gov/recordsmanagement/retention-schedules.html>

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Policy Owner: General Counsel

Policy Steward: Assistant General Counsel, General Compliance Manager

### History:

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