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## RMP-9, Guidelines for Access to University Personnel Records by Governmental Agencies Correspondence

July 1, 1987

The University guidelines on access to University personnel records by various governmental agencies are set forth in the following pages.

### RMP-9 Guidelines

These guidelines are used to respond to, requests for academic personnel records from government agencies.

The only person authorized to respond to such requests is the Asst. VC-Academic Personnel; therefore, these guidelines are not published in any campus publication. The Affirmative Action Officer, the Personnel Manager, and the Academic Personnel Office manager are familiar with these guidelines.

All subpoenas for academic personnel records are processed by Bus. & Contract Services through the Academic Personnel Office/Asst. Vice Chancellor-Academic Personnel.

DAVID PIERPONT GARDNER

OFFICE OF THE PRESIDENT  
300 Lakeside Drive  
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June 26, 1990

CHANCELLORS  
LABORATORY DIRECTORS  
MEMBERS, PRESIDENT'S CABINET

Dear Colleagues:

The U.S. Supreme Court decision in University of Pennsylvania v. EEOC has required the University of California to reassess current practices on the treatment of confidential academic review records, especially in regard to requests for confidential academic review records by governmental agencies. Since the U.S. Supreme Court decision, the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH) have requested from the University extensive confidential academic review records.

After the decision in the University of Pennsylvania case, the office of the President has worked with the Council of Chancellors and the Academic Senate to determine how to respond appropriately to requests by governmental agencies and plaintiffs for academic review records, while preserving to the University those options and current policy and practice which do not contravene the law. Confidentiality is integral to an effective academic peer review system, and the University must place its policy and practices in a defensible position. As a result of this reassessment, I have concluded that the University should revise current practices on the treatment of confidential academic review records as specified in the Guidelines for Access to University Personnel Records by Governmental Agencies, issued by Senior Vice Presidents Frazer and Brady on January 5, 1987, and included in Business and Finance Bulletin RMP-9. Therefore, the following procedure modifies the January 5, 1987, Guidelines and is effective immediately.

When the University is requested to release copies of confidential academic review records to a State or Federal agency (other than the U.S. Department of Labor) investigating a charge of discrimination, the University shall release to the government agency copies of relevant requested confidential academic review records in redacted form. Redactions shall consist of deleting from copies of the confidential academic review records information that would identify persons in their role as evaluators or as members of a confidential review committee. No new documents are to be created.

There are two records agreements referenced in the Guidelines and in Business and Finance Bulletin RMP-9. The agreement between the University and the DFEH has been terminated by the DFEH; the agreement with the U.S. Department of Labor is current.

Appropriate revisions to the Guidelines for Access to University Personnel Records by Governmental Agencies and the Business and Finance Bulletin RMP-9 will be made and forwarded to you under separate cover in the near future.

If you have any questions or wish to discuss this matter further, please get in touch with Senior Vice President Frazer.

Sincerely,

David Pierpont Gardner

cc: Academic Council Chair Spiess  
Academic Vice Chancellors  
Administrative Vice Chancellors  
Associate Vice President Moore  
Assistant Vice President Levin  
University Controller Pastrone  
Director Rogin  
Director Switkes  
Coordinator Crooks  
General Counsel Holst  
University Counsel Spiekerman  
Information Practices Coordinators

DAVID PIERPONT GARDNER

OFFICE OF THE PRESIDENT  
BERKELEY, CALIFORNIA 94720

RONALD W. BRADY  
Senior Vice President- Administration

January 5, 1987

CHANCELLORS  
LABORATORY DIRECTORS  
VICE PRESIDENT-AGRICULTURE AND NATURAL RESOURCES

Dear Colleagues:

On June 26, 1981, the Vice President-Academic and Staff Personnel Relations issued guidelines to be followed when responding to requests from various governmental agencies for confidential information in academic and staff personnel files. These guidelines were limited to records requests related to investigations of complaints of discrimination or to compliance reviews. Included in the guidelines were specific instructions on access to certain staff and academic records by the U.S. Department of Labor (DOL) as required by the terms of a legal agreement between DOL and the University.

In August, 1984, after consultation throughout the University, another specialized records agreement was signed by the University and the State of California Department of Fair Employment and Housing (DFEH). This legal agreement relates to academic personnel records, including peer review records, and applies to the entire University.

The 1981 guidelines have now been revised so that they (1) reflect the DFEH agreement, and (2) clarify in one document the existing legal and University requirements which apply to access by governmental agencies to personnel records for any purpose, rather than only to those relating to complaints of discrimination or to compliance reviews. These revised guidelines, which are attached, supersede the June 26, 1981 guidelines.

It is the responsibility of the Chancellor or Laboratory Director, and the Senior Vice President-Academic Affairs, the Senior Vice President-Administration or the Vice President-Agriculture and Natural Resources

in the Office of the President, to implement these guidelines, and to ensure that all Administrative Officers, Deans, Directors, and Department Chairs are fully informed on the major issues involved and the importance of careful, precise implementation, particularly in the area of academic peer review records. These guidelines are to be used throughout the University as the basic implementation document.

William R. Frazer  
Senior Vice President  
Academic Affairs

Ronald W. Brady  
Senior Vice President-  
Administration

Attachment

cc: President Gardner Chair,  
Academic Council Members,  
President's Cabinet  
Academic Vice Chancellors  
Administrative Vice Chancellors  
General Counsel Holst  
University Counsel Spiekerman  
Associate Vice President Catalano  
Associate Vice President Moore  
Associate Vice President Pastrone  
Director Rogin  
Coordinator Crooks  
Information Practices Coordinators

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*Send comments or questions about this website to [Yvonne Tevis](#).*

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