POLICY

Loyola Marymount University maintains personnel records for management information, decision making, and for the preparation of required internal and external reports. LMU and its employees have a mutual interest in ensuring that personnel records are properly used. Various federal and state laws regulate the use of personnel records. The purpose of this policy is to effectuate the purposes of such laws and to ensure that the mutual interest of LMU and its employees is protected.

The official University personnel records are maintained by the custodians of records. At the Westchester campus, the custodian for staff personnel records is the HRIS Manager, the custodian for full-time faculty and adjunct faculty records is the Academic Senior Vice President, and the custodians for part-time faculty records are the Deans of the colleges. At the Law School, the Director, Human Resources is the custodian for staff personnel records and the Dean of the Law School is the custodian for all faculty records. The custodian for benefits records for both campuses is the Benefits Manager. The custodian for payroll records for both campuses is the Payroll Manager.

It is University policy to ensure that personnel records are properly used. Accordingly, information is recorded only if it is necessary and relevant to the primary purpose for which such records are maintained, i.e., for management information, decision making, and for the preparation of required internal and external reports.

The custodians at both campuses provide an adequate system for the security of records. Precautions are taken to achieve reliability of the data and to prevent misuse of the data. When appropriate, the custodian provides a way for an employee to become informed of the information kept about him/her and how it is used.¹

An employee, upon reasonable request to the custodian, is given an opportunity to challenge his/her record and is instructed by the custodian on how to rebut, correct, add or delete information contained in the record.

The custodian will not make records available to persons not affiliated with the University unless they demonstrate a legal right to know (i.e., a subpoena). Such disclosure is audited by the custodian in accordance with the access process described under PROCEDURE.

Limitations

The rights described above and under PROCEDURE, following, are subject to faculty and staff grievance procedures and applicable law. Accordingly, nothing herein stated shall be construed to impose any additional duty for the University regarding the collection, maintenance, or disclosure of employee records than is required by law; nor to provide any right against either the University or any of its employees by a third party.

¹ See PRIVACY RIGHTS.
PROCEDURE

Access by the Employee to His/Her Own File

The custodian will permit an employee to inspect his/her personnel records, including records which have been used to determine qualification for employment (except letters of reference), promotion (except rank and tenure correspondence), additional compensation, release from employment or other disciplinary action. In order to gain access, the employee must:

- request an appointment with the custodian;
- request a time during normal business hours (Westchester - 8:00 a.m. to 5:00 p.m., Law School 9:00 a.m. to 5:00 p.m.);
- complete the form which will be provided by the custodian;
- inspect the records in the presence of the custodian.

Former employees also have the right to inspect their records. Upon receiving a request from a former employee, the custodian should call the Vice President, Human Resources (Westchester), or the Assistant Director, Human Resources/Employee Relations (Westchester), or the Director, Human Resources (Law School).

Access by Third Parties

There is a potential statutory or civil liability for improper release of personnel information to third parties. Any member of the University community who receives an inquiry about an employee or former employee of LMU should promptly forward the request to the appropriate custodian of records.

Access by University Administrators

Access to personnel records by University administrators ranges from “unrestricted” to “broad” to “need to know” as described below. Access is gained by a request to the appropriate custodian.

The following University administrators have **unrestricted access**; access to all records at both campuses:

- the President of the University and
- the Internal Auditor (with a written direction from the President).

The following University administrators have **broad access**; access to all records within a given jurisdiction:

- Academic Senior Vice President - faculty records (Westchester);
- Dean of Loyola Law School - faculty records (Law School);
- Vice President, Human Resources and Assistant Director, Human Resources/Employee Relations - staff records, faculty benefits records, and faculty biographical data necessary for required reports to external entities (both campuses);
- Associate Dean for Business and Director, Human Resources - staff and faculty records (Law School);
• Custodians of Records - all records over which they have jurisdiction as identified previously;

• Senior Vice President for Business & Finance, Controller, Payroll Manager - staff and faculty payroll records;

• Director of Fiscal Affairs - staff and faculty payroll records (Law School);

• Vice President, Human Resources, Assistant Director, Human Resources/Employee Relations, Benefits Manager - faculty and staff benefits records.

A direct assistant to any of the above-identified administrators may have broad access to records within a given jurisdiction, but only when empowered by, and acting on behalf of, such administrator.

The following University administrators may access records on a need to know basis, as follows:

• Supervisors - records of personnel under his/her supervision;

• Supervisors - records of an employee seeking a transfer to the supervisor’s work unit;

• Executive Director of Business Affairs - pertinent faculty and staff records related to risk management duties and responsibilities (both campuses).

Access by University Governance Committees

Various University committees are charged with the responsibility of making decisions with regard to the status or welfare of University employees. Members of such committees have access to employee records dealing with some aspect of those decisions. Express permission from the employee for such access is not required. Any formal request for action to any of the following committees by an employee implies authorization to access his/her files:

• Faculty Committee on Rank and Tenure

• Faculty Grievance Committee

• Staff Complaint/Grievance Committee (peer counselor retained by the employee and committee members).

Access by LMU to Personal References and Records From Former Employers and Schools

Upon signing the employment application or other appropriate form, an individual applying for employment at LMU authorizes LMU to verify or obtain information concerning the applicant from his/her former employers, schools, and personal references, whether or not such authorization is expressed in his/her records. In so doing, the individual also authorizes his/her former employers, schools, and personal references to provide such information to LMU and releases them from any liability whatsoever in this regard.

Access by Employees not Identified in the Above Access Categories

Without the express permission of the employee, access to records by LMU employees not previously identified is prohibited by policy and various laws.