



OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL



Subject License Holder Personnel and Department Files			Policy Number 502
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Reference Standards Texas Occupations Code §§ 1701.451, 1701.4522, 1701.4535			

I. PURPOSE

The intent of the following policy is to provide guidelines for the compilation and retention of personnel and department files for TCOLE license holder personnel.

II. DEFINITIONS

- A. Department File – Any information not included in the definition of a Personnel File. For reference, see Texas Local Government Code 143.089(g); Texas Occupations Code 1701.4522 and .4535(c)
- B. License Holder – A Texas County Jailer, Peace Officer, or Telecommunicator.
- C. Personnel File – Any letter, memorandum, or document relating to (For reference, see Texas Local Government Code 143.089(a); Texas Occupations Code 1701.4535(a)(1):
 - a. a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by the department for an action, duty, or activity that relates to the license holder's official duties;
 - b. any misconduct, as defined by ODOP Policy 204, by the license holder if the letter, memorandum, or document is from the department and resulted in disciplinary action; or
 - c. the periodic evaluation of the license holder by a supervisor.
 - d. a copy of the employment application and background investigation report, including the L-1/L-1T, L-2, L-3, and fingerprint check return.
- D. Texas Commission on Law Enforcement (TCOLE)- Regulatory state agency that issues, maintains, regulates all licensed Texas telecommunicators, jailers, and police officers.

III. POLICY

A. Personnel File

1. Each component department shall maintain a Personnel File for each license holder employed by the component. The Office of the Director of Police shall maintain a Personnel File for each license holder employed by ODOP. The Personnel File is a cumulative Personnel File of all previous and current UTSP departments at which the license holder was employed.
2. If a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's Personnel File:
 - i. The Executive Director of Police, Chief of Police, or their designee shall notify the affected license holder by certified mail, departmental email, or in person within 30 days of the item inclusion;
 1. If the notice is sent via email, the license holder shall provide written notification of receipt of the notice within seven calendar days.
 2. Notice is considered to be received electronically by the license holder, provided it is sent to the department or personal email address listed in the license holder's personnel file and the license holder confirms receipt;
 3. The notice shall be made via certified mail if no receipt is received within seven days of the email being sent.
 - ii. The license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative item included in the Personnel File.
3. A license holder may request copies of any item within the Personnel File. The department may charge a reasonable fee not to exceed the actual cost of any copies.
4. The department may not release any information contained in a Personnel File to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by law.
5. Any law enforcement agency hiring a license holder is entitled to view the contents of the Personnel File as provided by the Texas Occupations Code 1701.451.
6. When a license holder separates from the University of Texas System Police Department;
 - i. For license holders, the Chief of Police or designee shall complete ODOP form DP-35, Personnel Action form, and submit the DP-35 and the personnel file to ODOP not later than 10 days after the license holder separates from the institution.
 - ii. For license holders, the Executive Director shall submit the license holder's Personnel File to TCOLE not later than the 30th day after the license holder separates from the department.

7. The Chief of Police, upon request of the Executive Director, shall provide the license holder's Personnel File within the requested timeframe.
8. The Executive Director, upon TCOLE's request, shall provide the license holder's Personnel File to TCOLE as part of an ongoing investigation relating to the license holder.
9. Any letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's Personnel File if the agency determines that there is insufficient evidence to sustain the charge of misconduct.

B. Department File

1. Each component department shall maintain a Department File for each license holder employed by the component. The Office of the Director of Police shall maintain a Department File for each license holder employed by ODOP. The Department File includes all information not maintained in the Personnel File. The Department File shall be marked as "Designated as Confidential for Statewide Employment Database under Texas Occupations Code § 1701.168."
2. The department may not release any information in the Department File to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required for a license holder's preemployment procedure for another agency (Texas Occupations Code 1701.451.)
3. Any law enforcement agency hiring a license holder is entitled to view the contents of the Department File, as provided by the Texas Occupations Code § 1701.451.

Michael Parks
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