

## ARTICLE 11

### PERSONNEL FILES

- 11.1 The Personnel Action File shall be defined as the one (1) official personnel file for employment information and information that may be relevant to personnel recommendations or personnel actions regarding a faculty unit employee. For each faculty unit employee, the President shall designate an office in which the Personnel Action File shall be maintained and shall designate a custodian for the Personnel Action File. It is the intent of the CSU to maintain accurate and relevant Personnel Action Files. There may be copies of material contained in the official file in other working files for the convenience of the Employer. Only the official Personnel File may be used as the basis of personnel actions.
- 11.2 A faculty unit employee shall have the right to submit material to his/her Personnel Action File. A faculty unit employee shall also have the right to submit a written rebuttal to any material in his/her Personnel Action File, or scheduled for placement in his/her Personnel Action File after notification of such placement pursuant to provision 11.4 of this Article.
- 11.3 Any material identified by source may be placed in the Personnel Action File. Identification shall indicate the author, the committee, the campus office, or the name of the officially authorized body generating the material.
- 11.4 The faculty unit employee shall be notified of the placement of any material in his/her Personnel Action File that the appropriate administrator initially considers to be accurate and relevant, and the faculty unit employee shall be provided with a copy of such material at least five (5) days prior to such placement.
- 11.5 Upon request, a faculty member shall be provided the opportunity to meet with the appropriate administrator regarding material to be placed in the file to which the faculty member objects. The request to meet, if any, shall be made within five (5) days of the receipt of the notification. If no meeting is requested, the material will be placed in the file. If a meeting is requested, it shall take place within ten (10) days of the request made by the faculty member.

- 11.6 Following the meeting in provision 11.5, above, the appropriate administrator shall consider all information provided by the faculty member concerning the relevancy and accuracy of any material to be placed in the file prior to making a final decision to place material in the file. The appropriate administrator may grant the request by the faculty member for a correction of the material and/or a deletion of all or a portion of the material. Should the appropriate administrator determine that all or part of the contested material is accurate and relevant and will be placed in the file, the faculty member may file a rebuttal as provided in provision 11.2 and/or seek removal of said material by appeal as provided in provision 11.14. This provision, and provisions 11.4 and 11.5 above, shall not apply to material placed in the file created for the periodic evaluations or performance reviews conducted pursuant to Article 15, Evaluation, of this Agreement, nor to material referenced in the Temporary Suspension or Disciplinary Action Procedure Articles of this Agreement.
- 11.7 Materials for evaluation submitted by a faculty unit employee shall be deemed incorporated by reference in the Personnel Action File, but need not be physically placed in the file. An index of such materials shall be prepared by the faculty unit employee and submitted with the materials. Such an index shall be permanently placed in the Personnel Action File. Materials incorporated by reference in this manner shall be considered part of the Personnel Action File for the actions set forth in provision 11.9 of this Article. Indexed materials may be returned to the faculty unit employee.
- 11.8 During the time of periodic evaluation and performance review of a faculty unit employee, the Working Personnel Action File, which includes all information, materials, recommendations, responses and rebuttals, shall be incorporated by reference into the Personnel Action File.
- 11.9 Personnel recommendations or decisions relating to retention, tenure, promotion, or termination based upon work performance, or any other personnel action shall be based on the Personnel Action File. For the purposes of this section, course assignments shall not be considered personnel actions. However, course assignments shall not be punitive in nature.

Should the President make a personnel decision on any basis not directly related to the professional qualifications, work performance, or personal attributes of the individual faculty member in question, those reasons shall be

reduced to writing and entered into the Personnel Action File and shall be immediately provided the faculty member.

- 11.10 A faculty unit employee shall have the right of access to all material in his/her Personnel Action File, exclusive of pre-employment materials. A faculty unit employee shall have access to pre-employment materials in instances in which such materials are used in subsequent personnel actions other than appointments.
- 11.11 A faculty unit employee may request an appointment(s) for the purpose of inspecting his/her Personnel Action File. Such appointment(s) shall be scheduled promptly during normal business hours. The manner of inspection shall be subject to reasonable conditions. The faculty unit employee shall have the right to have another person of the employee's choosing accompany him/her to inspect the Personnel Action File.
- 11.12 Following receipt of a faculty unit employee's written request, the appropriate administrator shall, within fourteen (14) days of the request, provide a copy of all requested materials. The faculty unit employee may be required to bear the cost of duplicating such materials.
- 11.13 If, after examination of the Personnel Action File, the faculty unit employee believes that any portion of the file is not accurate, s/he may request in writing a correction of the material and/or a deletion of all or a portion of the material. Such a request shall be addressed to the custodian of the file, with copies to the appropriate faculty committee, if such material was generated by a faculty committee, and the appropriate administrator. The request shall include a written statement by the faculty unit employee describing corrections and/or deletions that s/he believes should be made, and the facts and reasons supporting such request. Such request shall become part of the Personnel Action File, except in those instances in which the disputed material has been removed from the file.
- 11.14 If the request made pursuant to provision 11.13 is denied by the custodian of the file, or if the faculty member wishes to appeal a determination for material to remain in his/her file pursuant to provision 11.6, the faculty unit employee shall have a right to submit the request to the President no later than seven (7) days after the date of such a decision. Within twenty-one (21) days of receipt of such request of the President, the President shall provide a written response to the faculty unit employee. If the President grants the request to

correct the material and/or delete all or a portion of the material, the record shall be corrected or the deletions made, and the faculty unit employee shall be sent a written statement to that effect. If the President denies the request, the response shall include the reason(s) for denial.

- 11.15 The Personnel Action File shall be held in confidence. Access to a faculty unit employee's Personnel Action File shall be limited only to persons with official business. The custodian shall log all instances of access to a Personnel Action File, including access to the file by administrators, when access is not for the purpose of routine maintenance. Such a log record shall be a part of the Personnel Action File.
- 11.16 The Personnel Action File shall indicate the location of other records regarding a faculty unit employee kept on the campus to which the faculty unit employee has access in accordance with statute.
- 11.17 Campus medical records and campus police records shall not be subject to this Article.