

# Article 12

# Personnel Files

There shall be one (1) District personnel file for each member of the bargaining unit. It shall include, but not be limited to, records of employment with the District, records of educational advancement and other work or experiences pertaining to the member's position with the District, and records of professional evaluation as prescribed by State law.

The materials in the official District file shall be considered and used as the only official personnel record of the District in any proceedings affecting the status of the faculty member.

## 12.1 Reviewing File

12.1.1 Any unit member may examine his/her personnel file maintained at the District Office by providing twenty-four (24) hours notice; excluded from the unit member's review will be ratings, reports or records which were obtained prior to the employment of the unit member.

12.1.2 In reviewing the file, the unit member may be accompanied by a representative of the Federation. A Federation representative, with written authorization from the unit member, may review the file without the unit member being present. No other individual or organization shall have access to the file other than those authorized legally or by the unit member.

## 12.2 Placing Materials in the File

12.2.1 No material which is derogatory to a unit member's conduct, service, character, or personality shall be placed in his/her file without the unit member first having an opportunity to respond to the comments therein. A written notice from the District Human Resources Office will be provided to the unit member before such materials are placed in the file. Materials must be based on facts and on documented events. Anonymous materials shall not be entered in the file. In the event that the faculty member contests the veracity of any material proposed to be included in his/her file, he/she may petition the Director, Human Resources, in writing to exclude such material. Such a request must be made within thirty (30) days of receipt of the notice from the Director, Human Resources, and should state the case for not including the information, based on factual discrepancies and including any documentation. The decision of the Director, Human Resources, to grant or deny the petition shall be communicated in writing within thirty (30) days of receipt of the petition. Failure by the District to respond within the timelines enumerated herein, absent mutual agreement, will result in the materials not being included.

12.2.2 In addition, a faculty member may respond in writing to any derogatory information in his/her file. The District Human Resources Office will acknowledge receipt of and file the employee's response.

12.2.3 Derogatory material will be sealed upon request of the employee after two (2) years without any similar complaints. Such sealed material cannot be opened except upon written request of the employee or by process provided under law. Performance reviews may not be sealed.

12.3 **Reproduction of Material in the Personnel File**

Upon written request a faculty member shall be furnished, at a reasonable cost, a reproduction of material in his/her file, excluding items listed under 12.1.1.