

Article 8 PERSONNEL FILES

Inspection

- 8.1 Every faculty employee shall have the right, at reasonable times, to inspect any employment record retained in the personnel files of the District that may serve as a basis for affecting the status of the employee's faculty employment. For the purposes of this article, an "employment record" is any record that:
- 8.1.1 Pertains directly to the employment relationship between the faculty employee and the Board;
 - 8.1.2 Is retained by the District in the faculty employee's on-campus personnel file; for the purposes of this *Agreement*, "on-campus personnel file" means the personnel file located on the faculty employee's assigned campus in which the employee's official evaluations are kept. If a faculty employee is assigned to both campuses, they may have one on-campus personnel file on each campus; and
 - 8.1.3 Is accessible by the employee's name or other means of individual identification such as social security number. Information from the employment records of a faculty employee shall not be released without the consent of the faculty employee unless the release is compelled by law or by a judicial order or lawfully issued subpoena. Nothing in this section shall prohibit inspection of employment records by officials of the District or of the State who have legitimate business interests that justify the inspection. All written material that may serve as a basis for a faculty employee's suspension, dismissal or reprimand shall be kept in the employee's on-campus personnel file.

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- 8.2 Notwithstanding anything in Section 8.1 to the contrary, the Board may retain as confidential all pre-employment material. For the purposes of this section, pre-employment material means all material obtained or prepared before the employment of the person involved, or while the employee was an applicant or candidate for another position. Such material includes, but is not limited to, confidential letters of recommendation, notes of pre-employment interviews, and the like.
- 8.3 Only information and statements related to a faculty employee's assigned duties or professional responsibilities shall be placed in the employee's on-campus personnel file.
- 8.4 No anonymous material shall become a part of a faculty employee's employment records without the consent of the faculty employee. Material is anonymous if the name of the source of the material is not disclosed to the faculty employee.
- 8.5 In accordance with Ed Code 87031, information that may be construed as derogatory shall not be entered into the personnel file until the faculty employee is given notice in writing and an opportunity to review and comment thereon. Furthermore, the administrator approving any addition shall sign it. The faculty employee shall have the opportunity to consult with an FA Conciliator. Irrespective

of notice that may be contained in the document itself, the College, typically the Campus Personnel Office, shall issue separate notice in writing, with an electronic copy sent via District email. The faculty employee shall have ten (10) school days from receipt of the notification from the College to respond and an additional ten (10) school days upon written request to District Office of Human Resources. A faculty response provided within these timelines shall be attached to the negative material before it is entered into the file. The material shall be entered into the file when the response is received or at the end of the timeline established above, whichever is earlier.

8.5.1 In cases where the material entered into the personnel file is contested under Article 5, the material shall remain in the file unless otherwise resolved through the conciliation and/or grievance process in accordance with Article 5 procedures and timelines.

8.6 The Board shall not dismiss, suspend, or reprimand a faculty employee on the basis of written material not contained in the employee's on-campus personnel file.

Request for Correction of the Employment Record

8.7 If a faculty employee believes that any employment record or any portion thereof is not accurate, relevant, timely, or complete, the faculty employee may request correction of the record or deletion of the offending portion, or both. A request for correction of the record shall be made in writing and shall include a statement of the corrections and deletions that the faculty employee believes are necessary and the reasons therefore. The request shall be addressed to the President and shall become part of the faculty employee's employment record unless the request is granted, in which case it shall become a part of the employee's record at the employee's option.

8.8 Within 10 working days of the receipt of a request under Section 8.7, unless mutually agreed otherwise, the President of the college shall either accede to or deny the faculty employee's request. If the request is denied, the President shall state the reasons for the denial in a letter that shall become part of the faculty employee's employment record.

Right to Respond at Any Time

8.9 In addition to the right to respond to negative material as provided in Section 8.5 and the right to request correction or deletion of a record as provided in Section 8.7, each faculty employee shall have the right to include a relevant response to any negative material in their on-campus personnel file at any time.