ARTICLE 10
PERSONNEL AND REVIEW FILES

A. GENERAL PROVISIONS

1. Personnel Files

a. The University shall designate an office ***that maintains*** ~~in which~~ the personnel file ~~shall be maintained~~. The University shall also designate an office with overall responsibility for personnel files. Where necessary for administration of the Unit 18 faculty member's employment, materials may be kept in other offices and/or in a secure online site.

b. Personnel files shall, except with the written consent of the Unit 18 faculty member, contain only those records necessary and appropriate to the administration of the Unit 18 faculty member's employment at the University. ***These records are limited to: social security numbers, work authorization, employee number, address and contact information, necessary payroll and benefits information.*** It is recognized that some routine information (e.g. payroll and benefits information) may be kept in forms other than that included in the personnel file. Personnel actions may not be based on any material that is not part of the official personnel file

c. Any non-confidential item placed in a personnel file shall be clearly identified as to its source or originator and its date of receipt by the University.

d. Grievance documents and documents referring to, or arising out of, a grievance shall not be contained in the official personnel file. Grievance materials shall be kept separately.

e. The University shall provide notice to the Unit 18 Faculty member of any changes to their personnel file, unless they are made by the Unit 18 Faculty member.

f. Nothing in this article shall supersede Article 30 - Discipline & Dismissal, Article 31 - Academic Review Criteria, or 44 Technology

2. Review Files

a. Review files are developed in preparation for the performance assessment of the Unit 18 faculty member undertaken in accordance with the Agreement.

b. Review files may contain both confidential and non-confidential academic review records, as described below.

c. An individual's review file shall contain only material relevant to consideration of the performance or merit determination.

d. Correspondence involving potential disciplinary actions that do not result in disciplinary actions shall not be included in the review file. Materials involving final disciplinary action may be included only to the extent that such material is relevant to the action for which the review file has been assembled.

e. Performance and merit determinations shall be based solely upon the material contained in the individual's review file. No materials excluded by this article from files may be included in review files.

B. ACCESS BY INDIVIDUALS OTHER THAN THE UNIT 18 FACULTY MEMBER

1. Access by University representatives and employees to confidential and non-confidential material in personnel files and personnel review records (synonymous with confidential academic review records as referenced in Appendix ~~F~~ ***XX*** - Definitions of Confidential and Non-Confidential Academic Review Records), and other confidential information shall be strictly limited to those representatives and employees who need access to information in the personnel file~~d~~ ***necessary and appropriate for the administration of the Unit 18 faculty member's employment at the University*** ~~in the performance of their officially assigned duties,~~ provided that such access is related to the purpose for which the information was acquired. ***University employees not involved in the administration of the Unit 18 faculty member's employment at the University shall not have access to confidential personnel files.*** Members of the public and non-governmental entities shall not have access to confidential personnel files except as required by law.

2. No part of a personnel or review file shall be entered into a generative AI application by any university employee or review committee

member.

C. RIGHT TO INSPECT

1. Upon reasonable notice to the office designated to maintain the official personnel file/ review file, Unit 18 faculty shall have the right to inspect all non-confidential reports, documents, correspondence, and other material in their official personnel file(s)/review file(s) and in personnel files maintained at the departmental level. Unit 18 faculty shall be entitled to ***digital or physical*** copies of confidential material, if any, in their personnel files(s) and review files, which may be redacted to the extent necessary to maintain the anonymity of the sources of the information. Unit 18 faculty shall have the right to have a Union representative or another person of their choice accompany them to inspect their file(s), so long as the person chosen is not a supervisor, manager or confidential employee.

2. Unit 18 faculty may give written authorization to a representative to review their file(s) in their absence. The written authorization shall be valid for thirty (30) calendar days from the date of the signature of the authorization or within a written time limit specified by the Unit 18 faculty member, whichever is shorter. The representative shall be entitled to examine all non-confidential material. Records protected by recognized legal privilege and records exempted from disclosure by law may be withheld from the Unit 18 faculty member and their representative. Subject to these exceptions, unsolicited documents which request confidentiality shall be returned to the originator or destroyed.

3. ***Upon reasonable notice to the office designated to maintain the official personnel or review file, Unit 18 faculty shall have the right to inspect a log/list of all University employees who have accessed their personnel or review file, and their reasons for doing so, consistent with this article.***

4. ***In appointment letters, the University shall publicize the office responsible for maintaining the personnel file for the Unit 18 faculty member and give instructions for how a Unit 18 faculty member can obtain a copy of their personnel file.***

D. RIGHT TO ~~COPY~~ *VIEW* MATERIAL

Under normal circumstances, within ten (10) working days of a written request, a Unit 18 faculty member shall be given a complete ***digital or physical*** copy of the

requested non-confidential items in the personnel file and a listing of the types of confidential material within the file. If a written request for a redacted copy of confidential material is received by the University, the request shall be fulfilled within thirty (30) working days, under normal circumstances. The University will provide ~~the first copy of~~ such material at no cost to the Unit 18 faculty member. ~~Subsequent copies will be provided at a cost of ten cents ($.10) per page.~~

E. RESPONSES TO MATERIALS IN PERSONNEL AND REVIEW FILES

1. In accordance with established academic review policies and procedures, Unit 18 faculty may have responses or documentation attached for the purpose of challenging or responding to materials in the personnel and review files.

2. Any response shall, unless the Unit 18 faculty member requests otherwise, become a part of the Unit 18 faculty member's personnel and/or review files, as applicable. Unit 18 faculty may request, in writing to the designated administrative officer, deletions and/or corrections of materials from their personnel and/or review files.

a. Within 30 calendar days, the appropriate administrative officer shall determine whether a requested correction in a statement of fact or a requested deletion will be made. ***If the request is denied in whole or in part, the University shall provide the reasons for denial in writing.***

b. If material is corrected in or deleted from the personnel and/or review files, in accordance with this section, the University shall ensure that the same material is also corrected in or deleted from copies of those records in all locations where such copies are maintained.

F. DISCIPLINARY MATERIALS

1. Personnel Files

a. Copies of documents, including letters, that relate to final disciplinary action taken by the University shall, upon being placed in the Unit 18 faculty member's personnel files, be provided to the Unit 18 faculty member. The Unit 18 faculty member's written comments, if any, regarding such documents shall, upon request of theUnit 18 faculty member, be placed in their personnel files. Documents concerning disciplinary action that do not result in final disciplinary action shall not be included in the files.

b. When it comes to the attention of the University (e.g. through a review

of files, or at the request of the Unit 18 faculty member) that a Unit 18 faculty member's personnel files contain documents older than two years that pertain to disciplinary action not related to the Unit 18 faculty member's performance, such documents will be removed from the Unit 18 faculty member's personnel files if there have been no other warnings or discipline pertaining to the same or similar conduct that resulted in the earlier disciplinary action during the two-year period.

c. Notwithstanding the above provisions, copies of documents, including letters, that the University is required to maintain to fulfill its legal obligations, may be retained in the Unit 18 faculty member's personnel files.

2. Review Files

Copies of any letters or documents that are otherwise permitted under this Agreement and University policy, including documents pertaining to disciplinary actions, may be included in the Unit 18 faculty member's review file, insofar as the letters or documents pertain to the Unit 18 faculty member's performance under the criteria of this Agreement during the review period.

G. MATERIAL EXEMPTED FROM GRIEVANCE AND ARBITRATION PROCEDURES

Confidential material, personal information, legal privilege, and records, to the extent that each of these is exempted by law from disclosure under the California Evidence Code or by other statutes and relevant case law, shall not be subject to disclosure through Article 32 - Grievance Procedure or Article 33 - Arbitration. In disputes concerning whether material is exempted by law from disclosure, the Grievance Hearing Officer or Arbitrator may, if necessary to resolving such controversy, examine the material in camera (outside the presence of the parties) and rule on the confidentiality of the material, unless examining the material in camera would be prohibited by law. Where confidential material is relevant to resolving a grievance or arbitration, the material may be examined in camera by the Hearing Officer or Arbitrator.