

COMMITTEE REPORT OF ADOPTION OF POLICY RECOMMENDATION

DATE: March 24, 2017
TO: Adam Swenson, Faculty President
FROM: Personnel Planning and Review Committee
BY: Sheila K. Grant, Committee Chair
Daisy Lemus, Executive Secretary

Name of proposed policy: Section 606 (Personnel Files)

At its meeting on December 14, 2016 the PP&R Committee adopted a policy recommendation by passing the following motion:

MSP: That Section 606 in the *Administrative Manual* be revised accordingly:

Section 606.1.2.a (on the contents of Personnel Action Files) should explicitly state that PAFs are required to include a log sheet (as required by the Collective Bargaining Agreement);

Section 606.2.3.a should explicitly state that faculty may request an appointment for the purpose of inspecting their PAFs; and

Section 606.2.3.b should elaborate that faculty may inspect their Personnel Action File under reasonable conditions during business hours (as described in the Collective Bargaining Agreement). This section was meant to be modified to clarify that faculty can view their PAF within two business days, not just two days.

Current policy or catalog copy:**606 Personnel Files.**

606.1 Authorized Personnel Files.

1. Professional Information File.
 - a. Each faculty member has the responsibility of establishing and maintaining a record of professional information to be submitted by the faculty member at the appropriate time for use in evaluation for retention, tenure, promotion, and service salary increase. The faculty member shall prepare an index of the contents of the Professional

Information File, which shall be placed in the Personnel Action File each year the faculty member is evaluated.

- (1) The Department Chair shall assist the faculty in the development of the file and alert each faculty member in advance of the time when the file will be required.
 - (2) The Professional Information File shall contain a current curriculum vitae and such forms as the University may, from time to time, prescribe. The file shall also contain data on: 1) Professional Preparation; 2) Teaching Effectiveness; 3) Contributions to the Field of Study; and 4) Contributions to the University and Community. The faculty member may include, additionally, any other pertinent support material.
- b. The Professional Information File is the property of the faculty member. However, the faculty member's possession and control of the file is restricted by the following:
- (1) A faculty member may add material to the file at any time during the academic year up to the completion of personnel deliberations at the Department level. Insertion of material submitted after this date, other than faculty and administrative evaluations generated during the evaluation cycle and responses or rebuttals by the faculty member, must have the approval of the College Personnel Committee and shall be limited to items that became accessible after the close of Department deliberations (publication acceptances, notice of awards, lecture invitations, and the like). Copies of the added material shall be provided to the faculty member. Material inserted in this fashion shall be returned to the initial evaluation committee for review, evaluation, and comment before consideration at subsequent levels of review. The Department Committee may elect to change its recommendation on the basis of this new information even though the deadline for the recommendation has passed.
 - (2) Once the file has been submitted for use in the personnel evaluation procedure, the faculty member may not remove any materials until the evaluation has been completed and the file has been returned to the owner.
 - (3) Once the file has been submitted for use in the personnel procedure, it shall be retained by the University until all appeals filed in the current year have been decided, whereupon the file shall be returned to the faculty member.

2. Personnel Action File.

There shall be only one Personnel Action File. This file is the property of the University. For the probationary and tenured faculty, it is kept in the office of the College Dean for use only in personnel actions (such as retention, tenure, promotion, service salary adjustments, and other personnel matters dealt with in the bargaining agreement), which specify its use. The material in the Personnel Action File must be accurate and relevant to personnel actions.

a. The Personnel Action File shall include:

- (1) Copy of appointment letter.
- (2) A table of the contents of the faculty member's Professional Information File each year the faculty member was evaluated for retention, tenure, or promotion.
- (3) Copies of Department recommendations on retention or promotion.
- (4) Copies of recommendations made by the College Personnel Committee and Dean.
- (5) Copies of all documents related to any appeal from a personnel recommendation.
- (6) Copies of written reasons for conflicting, unreconciled Department and College recommendations which had been forwarded to the President of the University for resolution (see Section 633).
- (7) Copies of notice letters from the President on personnel actions.
- (8) A copy of the President's decision in Grievance and Disciplinary Action Cases.
- (9) Copies of written reprimands.
- (10) Correspondence concerning such matters as reappointment as Lecturer, approval of leave requests, and similar personnel actions.
- (11) Department, College, or University required documents, such as written reports of peer class visits and student evaluations of teaching effectiveness. Student evaluations of teaching effectiveness shall be retained for a minimum of five years.
- (12) A dated copy of the faculty member's current curriculum vitae, of reasonable length, as of the most recent year in which the Professional Information File is submitted.

- (13) Other communications or materials deemed by the Department Chair, College Dean, or Personnel Committees to be relevant to the criteria in Section 632.
 - (14) The location of other records kept on campus regarding the faculty member to which the faculty member has access.
 - (15) Sabbatical Leave Reports.
 - (16) Other materials that were part of the personnel process when they were placed in the Personnel Action File (e.g., copies of written reasons for negative recommendations).
- b. It is not expected that all communications reaching a Department or College regarding a faculty member will be placed in this file.
 - c. Written communications identified by source may be placed in the file at the discretion of the Department Chair, the College Dean, and/or Personnel Committees. The faculty member shall be provided with a copy of such material at least five (5) days prior to such placement.
 - d. 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 shall be made within five (5) days of the receipt of the notification. The meeting shall take place within ten (10) days of the request made by the faculty member.
 - e. A faculty member shall have the right to place in the file a written response to any written communication contained therein.
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- The Human Resources File shall include:
- a. SC-1 and faculty requisition.
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 - d. Official State forms and insurance records.
 - e. University actions.
 - (1) Reappointment or termination.
 - (2) SSI recommendations.
 - (3) Approval of Leaves.

(4) Reappointment letters to Lecturers.

4. Employment File.

A confidential file for each full-time faculty member of the University will be established in the Office of Human Resources at the time of employment. This file is not open to the faculty member nor to personnel committees. It will contain confidential documents such as pre-employment placement papers, pre-employment evaluation forms, and letters of recommendation. This file shall be destroyed when the faculty member is awarded tenure.

606.2 Personnel File Procedures.

1. Use of Files.

The Professional Information File and the Personnel Action File shall be utilized in personnel considerations. The Human Resources File and the Employment File shall not be used in personnel considerations.

2. Completeness of the Files.

If the evidence in the file is not satisfactory to any individual or committee charged with making a recommendation, or if it does not appear to support the recommendations made, the file may be returned to the appropriate level for amplification.

3. Access to the Files.

- a. A faculty member shall have full and unqualified right to inspect all materials in the Personnel Action File and Human Resources File.
- b. When a faculty member requests an appointment to inspect the file, it shall be scheduled promptly, within two (2) days, during normal working hours. The faculty member may be accompanied at such appointments by another individual of the faculty member's choice.
- c. Upon written request, faculty members shall be provided with copies of any material in their files within fourteen (14) days. The faculty member may be required to bear the costs of duplicating such items.
- d. The Dean is custodian of the Personnel Action File. The Dean shall be responsible for the accuracy, relevance, and completeness of the Personnel Action File. No one is authorized to remove material from the Personnel Action File unless the faculty member requests removal. Faculty members may request, in writing, a correction or deletion of any material in their files if they believe 1) the material is inaccurate or 2) the material is irrelevant to personnel actions or 3) proper procedures were not followed in placing the materials in the

file. Such a request shall be addressed to the College Dean, with a copy to the appropriate faculty committee, if such materials were generated by a faculty committee.

- (1) The request shall specify those corrections or deletions that shall be made, with facts and reasons supporting the request. Such requests shall become part of the Personnel Action File, except in those instances in which the disputed material has been removed.
 - (2) If the request is denied by the College Dean, the faculty member may, within seven (7) calendar days of such a denial, submit the request to the President, with a copy to the Personnel Planning and Review Committee. If the Personnel Planning and Review Committee determines that the request involves a problem of interpretation of this Manual, the Committee shall advise the President of its interpretation before the President makes the final decision. The President shall, within twenty-one (21) days of such a request, provide a written response to the faculty member. If the request is granted, the record shall be corrected and the faculty member notified in writing. If the President denies the request, the response shall include the reason(s) for the denial.
- e. Administrative personnel charged with making recommendations in personnel matters, Department Chairs, and members of duly constituted personnel committees shall have the right of access to Professional Information Files and Personnel Action Files of candidates for retention, tenure, and promotion. They shall also have access to files when the provisions of Section 644.3 regarding service salary adjustments are applicable.
 - f. Individuals required to give testimony in grievance or legal proceedings arising out of personnel considerations in which they had access to files as provided in (e) above shall have access to the Professional Information File and Personnel Action File of the grievant.
 - g. Except as specified in a, e, and f above, individuals and/or agencies shall have access to the Professional Information File only with the written permission of the faculty member.
 - h. Except as specified in a, e, and f above, individuals and/or agencies shall have access to the Personnel Action File only upon presentation of a duly executed court order.

- i. All instances of access to a Personnel Action File shall be noted on Personnel Action File log-in sheet. Such a log record shall be a part of the Personnel Action File.

Proposed policy or catalog copy (with changes):

606 Personnel Files

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 - b. The Professional Information File is the property of the faculty member. However, the faculty member's possession and control of the file is restricted by the following:
 - (1) A faculty member may add material to the file at any time during the academic year up to the completion of personnel deliberations at the Department level. Insertion of material submitted after this date, other than faculty and administrative evaluations generated during the evaluation cycle and responses or rebuttals by the faculty member, must have the approval of the College Personnel Committee and shall be limited to items that became accessible after the close of Department deliberations (publication acceptances, notice of awards, lecture invitations, and the like). Copies of the added material shall be provided to the faculty member. Material inserted in this fashion shall be returned to the initial evaluation committee for review,

evaluation, and comment before consideration at subsequent levels of review. The Department Committee may elect to change its recommendation on the basis of this new information even though the deadline for the recommendation has passed.

- (2) Once the file has been submitted for use in the personnel evaluation procedure, the faculty member may not remove any materials until the evaluation has been completed and the file has been returned to the owner.
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- i. All instances of access to a Personnel Action File shall be noted on Personnel Action File log-in sheet. Such a log record shall be a part of the Personnel Action File.

Summary of Supporting Reasons

Changes to Section 606 were made to make this section consistent with the CSU-CBA Collective Bargaining Agreement (CBA). To be consistent with the CBA language, we now mention that the PAF needs to include a log sheet and use the words “reasonable” to describe the conditions that faculty can view their PAF and explain this viewing can occur during “business” hours. CBA Article 11 (Personnel Files) states that:

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 part of the Personnel Action File.

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.

The practice of adding material to the PIF after the department deadline is protected by CBA Article 15.12:

b. A specific deadline before the recommendation is made at the first level of evaluation shall be established by campus policy, at which time the Working Personnel Action File is declared complete with respect to documentation of performance for the purpose of evaluation. Insertion

of material after the date of this declaration other than faculty and administrative evaluations generated during the evaluation cycle and responses or rebuttals by the faculty unit employee being evaluated must have the approval of a peer review committee designated by the campus and shall be limited to items that became accessible after this declaration. Copies of the added material shall be provided to the faculty unit employee. Material inserted in this fashion shall be returned to the initial evaluation committee for review, evaluation and comment before consideration at subsequent levels of review. If, during the review process, the absence of required evaluation documents is discovered, the Working Personnel Action File shall be returned to the level at which the requisite documentation should have been provided. Such materials shall be provided in a timely manner.

If some of our faculty would like for this practice to be changed, they should make a request for the CSU's CBA bargaining team to look into this issue.

Even though this practice adds work during a given review cycle, it may prevent review during the following year - which could yield a net time savings for our institutional workload.